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EDITORIAL COMMENT

During 1928 the Baltimore municipal employment bureau found jobs for 3,683 persons, 513 of whom were women. Total registrations with the bureau amounted to 4,916. The bureau operated for the year at a cost of $4,100.

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The Detroit police department distributes a daily bulletin on automobile crashes, for posting in public places. The cause of each accident is displayed in red ink.

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The comprehensive note in the Judicial Decisions department of this issue, upon airports as a "public purpose," is from the pen of Harry J. Freeman, research fellow of the New York University Law School in special charge of work in the law of aviation. The law of aviation is a rapidly developing field, and readers who have anything to do with municipal problems will profit from a reading of Mr. Freeman's contribution.

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That an irregular situation may easily arise from an unwise charter limitation has recently been strikingly illustrated in San Angelo, Texas. The charter did not allow an increase in the salary of the city manager. Therefore the manager resigned. Immediately upon his resignation as manager, he was engaged by the city commission as supervising engineer for the city, at an increase over his previous salary.

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The South Dakota state chamber of commerce is studying to discover new sources of revenue to be applied to the reduction of existing taxes on real property, particularly local taxes. If they succeed in reducing municipal taxes without resort to income or other equally unpopular forms of taxation, their report will be assured of wide attention throughout the country.

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The justices of the peace of Mercer County, New Jersey (Trenton), smarting under the criticism which has recently been directed against their judicial methods, have organized a society to oppose legislation to restrict their powers. Although they cannot be legislated out of existence without a constitutional amendment, they have served notice to officeholders and aspiring politicians that they must reckon with the organized influence of the J. P.'s. The new association will be a somewhat exclusive secret society. Every J. P. need not expect to belong simply because he received a handful of votes and has hung out a shingle. A membership committee has been organized to pass on applications to join, and only those who qualify before the committee will be accepted.

False Propaganda

George U. Harvey, who was elected president of Queens Borough, New York, following his revelation of sewer grafts, and who has charged that sewer contractors tried to bribe him with an offer of $200,000 a year if he would see that they got the pick of contracts, finds that the villains still pursue him. His enemies, including even certain Republican leaders, have been spreading "false propaganda" about him, he complains. Some of the lies relate to his Republicanism. Word has been passed around, he says, that he has not given Republicans any positions in Borough Hall, although they know that because of civil service restrictions the borough president has very few positions to give out. This propaganda is as un-American and unfair, asserts Mr. Harvey, as it is false and cowardly.

As a practical politician, Mr. Harvey doubtless regrets that he cannot reward more deserving Republicans. His opportunity to assert his Republicanism has been frustrated by the civil service law. He is entitled to his own regrets in the matter, but to link the spoils system with Americanism further degrades this much abused term.

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Borough Presidents Fear Planning Commission

New York City's borough presidents are in open revolt against the proposal to establish a permanent city planning board to pass on public improvement programs before the board of estimate acts on them. Readers of the February REVIEW (p. 124) will recall that the bill, drafted by E. M. Bassett, provides for a city planning commission of three members charged with the duty of preparing a master plan for the city. Changes in the master plan against the recommendation of the commission can be made only by a vote of 12 out of the total of 16 votes on the board of estimate. Construction and maintenance of streets, sewers, and public buildings comprise about all the responsibilities left to the borough presidents, and Mayor Walker charges that paving funds are divided among the borough presidents on a pork-barrel basis. The borough presidents retort that the planning commission will be a super-government set over those who know the city streets better than any city-wide body can. Nevertheless, it seems probable that the planning commission bill will pass the state legislature.

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Advantages of Voluntary Replatting

In an instructive article in this issue of the REVIEW, Messrs. O'Shaughnessy and Cornick relate San Francisco's experience with voluntary replatting as a means of reclaiming land to which the original platting had proved a bar to proper development. The scheme resulted in large savings over the condemnation method. Indeed, the expense of the latter would have rendered any replatting difficult, if not impossible.

The authors recognize the limitations and difficulties in the voluntary method. It means long-drawn-out negotiations with owners. Unless a good percentage of the land is in the hands of one owner or a small group of owners, the flexibility necessary to accomplish an equitable relocation of small holdings is absent. The scheme is not suitable to built-up areas. Finally, the city government must be willing to take the initiative and to conduct the negotiations with great patience and tact.

From conversation with Mr. Cornick we learned other instances of voluntary replatting. Recently the city of Chicago replatted a large area in the heart of the city in connection with the straightening of the Chicago River. The original area of 2,234,930 square

feet, appraised at more than ten million dollars, was held by thirteen owners, most of them large railway companies. The river straightening increased the net area by 140,220 square feet, and the appraised value by almost four and a half million dollars. This operation required compensatory payments to the landowners affected.

Another instance occurred in 1916, when Portland, Oregon, replatted a thirty-acre tract divided into forty-five ownerships, three of which had buildings on them. In this case the trustee was compensated for his services by a deed to 28,000 square feet of surplus land which resulted from the replatting.

Other cities whose economic development is impeded by badly platted areas should give serious attention to this method of extricating themselves from their difficulties.

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Police Court Justice at Home and Abroad

We present in this issue two contrasting pictures of police court justice. Mr. Harley writes of the lay magistrates of Birmingham, England. Once a "prerogative of wealth and position," the office of justice of the peace there has become "thoroughly democratized and socialized." The justices are men of standing, remote from politics, who conduct their trials in a dignified manner. Even if entitled to it, few respondents demand a jury trial. Respondents are questioned with patience and consideration. Birmingham's crime record is steadily improving. Its magistrates' courts are typical of those in other English cities.

The scene shifts to Nashville, Tennessee. Here, Mr. Manning tells us, justices of the peace traffic with deputy-sheriffs and constables. They split their three-dollar fees with the peace officers, paying these men, who are entitled in their own right to two dollars for each arrest, an extra two dollars for bringing an accused offender before them. The county judge stigmatizes this practice as "closely akin to the crimes of bribery and extortion." He might have used stronger language without exceeding the bounds of truth. Unfortunately, reform in Tennessee, as in so many states, requires constitutional changes. Because the J. P.'s are so deep in politics, this has been impossible to accomplish. Many of them sit in the legislature; others dictate who shall be elected to the legislature.

Police court justice is beginning to receive the attention it deserves. Surely that convenient stereotype, the average man, will soon understand that conditions in Davidson County, Tennessee, are no worse than in many other places. If you doubt it, read the reports of recent crime surveys. For example, a perusal of the recent survey of the criminal branch of the Toledo municipal court, where the facts revealed are less serious than in many other places,[1] will destroy any lingering doubts as to the character of justice meted out in our minor courts.

American justices of the peace paying two dollars for a chance to take in three are a sad picture of commercialization against the background of the unpaid magistrates as painted by Mr. Harley.

Mr. Harley prescribes a remedy. Why don't the Bar Associations begin to apply it?

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Federal Government Extends Veterans' Preference

Two days before he passed out of office, President Coolidge amended the Harding executive order of 1923, by a new order increasing the veterans' preference provisions of the

[1] See NATIONAL MUNICIPAL REVIEW for February, p. 115.

federal civil service system. Approximately 250,000 persons will become beneficiaries of the new rule. Measured by the workings of veterans' preference in the past, the effect cannot be other than detrimental to the efficiency of the federal service.

Under the Harding order, veterans, widows of veterans, and wives of injured veterans received a five-point credit on their earned ratings in all examinations. Disabled veterans received a ten-point credit. Under the new order, the ten-point credit for eligible disabled veterans continues, but hereafter they are to be placed at the top of the list and are to be certified ahead of all other veterans and non-veterans, regardless of ratings. Widows of veterans and wives of physically disqualified veterans are now to receive a ten-point credit, to be added to their earned ratings, and will be certified ahead of all veterans not disabled and all non-veterans. This means that disabled veterans, widows of veterans, or wives of incapacitated veterans need receive a passing mark of but 60 per cent, as against a passing mark of 70 per cent required of non-veterans, and 65 per cent required of other veterans not disabled. Veterans, widows of veterans and wives of disabled veterans entitled to preference may not be removed, suspended or reduced in rank or salary if their efficiency ratings are equal to that of any employee in competition with them who is retained in the service.

How the new order will operate will be seen from the results of a survey made by the National Civil Service Reform League in 1921, when the rule was in force that all veterans received absolute preference provided they passed their examinations. The survey showed that for three-fourths of the eligible lists the appointing officer was compelled to skip many non-veterans at the head of the list who would otherwise have been entitled to appointment. Sometimes the appointing official was compelled to skip as many as ten names before he reached the first highest veteran to be employed.

The effect of this extreme preference became so serious during the three or four years subsequent to the passage of the bill in 1919 that in March, 1923, President Harding saw fit to restrict it by the executive order referred to above. For certain groups the Coolidge order restores the earlier provisions. The result will be increased laxity in the performance of public work and increased cost of personal service.

In common with the students of public personnel methods, the NATIONAL MUNICIPAL REVIEW recognizes our government's obligations to veterans and their families who suffered from the World War. But we do not believe that veterans' preference is a proper way to reward them. It places them in a degrading position with respect to others who enter the federal service. It will discourage competition of qualified persons for appointment. The effect on office morale will be harmful. It is a weak and lazy method of recognizing our debt to those who served us in the war. Its baneful effects will be more apparent and serious as time goes on. Our government has been remiss in not working out a policy less expensive to the people and more satisfactory and honorable for the veterans.

IN-JUSTICES OF THE PEACE

BY J. W. MANNING
Vanderbilt University, Nashville, Tennessee

In Nashville justices of the peace have been paying two-thirds of their three-dollar fees to deputy sheriffs and constables as a commission for bringing arrested persons before them. :: :: :: :: ::

MUCH has been said and little has been done regarding the reform or abolition of the time-honored but obsolete office of justice of the peace. A recent controversy between the sheriff and the county judge of Davidson County, Nashville, Tennessee, has brought to light additional evidence that the office of justice of the peace, at least in Tennessee, is a worn-out and useless part of the state's political and judicial machinery.

The Tennessee law states that the justices of the peace may keep criminal dockets and exercise jurisdiction over petty offenses. For all arrests brought before a justice of the peace, the arresting officer legally receives two dollars, and the justice three dollars, and, in addition, the turnkey at the jail receives one dollar for locking up each person and the same for turning him out, together with seventy-five cents a day for board for each prisoner. In Davidson County there are forty-five justices of the peace, fifteen of whom maintain their own courts in the city of Nashville. In addition to the limited judicial functions which these magistrates may exercise, the forty-five in the county compose the county administrative body, designated the Quarterly Court.

FEE SPLITTING COMMON

On January 23, County Judge Litton Hickman and County Attorney Horace Osment of Davidson County addressed a letter to Sheriff Gus Kiger, and a similar letter to all the magistrates keeping criminal dockets in the county, bringing charges of wholesale fee-splitting, in which peace officers of the county, deputy sheriffs and constables, have been exacting and receiving extra fees from the magistrates before whom they have been bringing petty offenders. The county judge called attention to the abnormal activity of the county peace officers in making arrests, resulting in a recent increase of jail fees from $1,600 to $4,800 a month, and contended that the magistrates have been compelled to split fees with the arresting officer, giving him an additional two dollars of his own legal fee, or see the alleged criminal go before some other magistrate who is willing to give the extra fee to the peace officer. The judge, in his letter, warned that such practice is closely akin to the crimes of bribery and extortion.

Sheriff Kiger, in a reply to Judge Hickman, explained that the increase in jail fees was due primarily to the increased activities of the sheriff and his deputies in redeeming his recent campaign promise of ridding the county of bootleggers and gamblers. In regard to the fee-splitting charge, he laid the trouble at the feet of the magistrates, charging that they had entered into direct competition for "business," that they sought to get the arresting officer to bring their cases by offering to split fees. He also stated, "Any deputy of mine who has ever demanded

a part of the magistrates' fee will be discharged immediately, whether he actually received it or not, as soon as I learn which deputy it was, and of whom the demand was made."

In discussing the matter, one of the oldest magistrates of the county, in point of service, stated that the fee-splitting custom originated many years ago. He said the practice started when a certain justice of the peace began giving officers the additional fee for bringing arrests to his court. "It was not long until he was getting all the business, and the other magistrates were sitting around idle. So, another one or two of the justices began paying the higher bonus, and we all had to follow, or close our courts. . . . So far as I know," said the magistrate, "no constable or deputy ever demanded such a division. The extra fee was offered, and, naturally, the officers went where they could get it."

With the sheriff's threat to his deputies and the judge's success in exacting a promise from the magistrates that the fee-splitting would cease immediately, the matter is dropped. The question of whether the deputies or the magistrates are guilty is not for us to determine, but we must agree with the sentiment expressed in an editorial in the Nashville *Banner*, that "such performances should be stopped with a suddenness and severity that will jolt everybody concerned into a proper respect for the law and inspire righteous conduct for the future."

A thorough investigation of the matter may afford a temporary relief from such practices, but it would be an easy matter to revive the custom after the public mind had been diverted into other channels. Why not try a more permanent remedy—the abolition of the office of justice of the peace?

STATE CONSTITUTION IMPEDES REFORM

It is a very easy matter to suggest the abolition or reform of the office, but it is an entirely different proposition to bring about this action. The only way a real reform could be brought about is through a constitutional amendment. The Tennessee Constitution of 1870, Article VI, Section 15, states: "The different counties of the state shall be laid off, as the General Assembly may direct, into districts of convenient size. . . . There shall be two justices of the peace and one constable elected in each district by the qualified voters therein, except districts including the county town, which shall elect three justices and two constables." Also Article VI, Section 1 states that "The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery, and other inferior courts as the Legislature shall from time to time ordain and establish; in the judges thereof, and in justices of the peace. . . . Courts to be holden by the justices of the peace may also be established."

The constitution of 1870 has never been amended, despite some two or three attempts. The process of amendment is rather difficult, but it is altogether possible. However, all amendments must originate with the state legislature.

POLITICAL POWER OF THE J. P.'S

According to the best opinion available, Tennessee's failure to revise her constitution has been due to the attitude and power of the justices of the peace. This is the reason suggested by some officials high in state affairs, by a judge in one of the larger counties of the state, by a prominent editor in the state, by several members of the state legislature, and by some justices of the peace who represent

the minority view but who see that a revision is needed. The justices fear that either their office will be abolished or their powers will be curtailed by a revision, and on this ground they oppose such a move. Moreover, they are powerful in county politics, not only controlling the local affairs, but practically naming and electing, by their influence, the members of the state legislature, often naming one of their own number to represent the county in the General Assembly.

Recently some interested citizens of Davidson County were talking with three members of the Tennessee legislature, and in the course of the conversation it was suggested that one of the greatest services the legislators could render for the state would be to abolish the office of justice of the peace. The lawmakers replied that their hands were tied, since local justices dictate the election of so many members of the legislature, and since many men who occupy seats in the legislature are justices of the peace in their respective counties.

There seems to be no immediate hope that the local dispensers of justice, or injustice, as the case may be, will be abolished over the state, but there is one ray of hope in Davidson County. An increasing number of men who seek the office are giving their pledge to the people that they will not establish a court if elected, and it is this type of man who is gradually displacing the 1929 model of the mid-eighteenth century squire.

POLICE COURT JUSTICE IN ENGLAND

BY HERBERT HARLEY

Secretary, American Judicature Society

Mr. Harley's article should be read in connection with Mr. Manning's "In-justices of the Peace," appearing in this issue. :: ::

THE ancient office of justice of the peace has been preserved in modern England, even under metropolitan conditions. Once a prerogative of wealth and position, the office has now become thoroughly democratized and socialized. Information on the subject was obtained by the author while investigating the administration of justice generally in the city of Birmingham. What is said of this city, he believes, will apply fairly well to all of England.

MAGISTRATES APPOINTED FOR LIFE WITHOUT SALARY

There are about 150 such magistrates in Birmingham, a rapidly growing city of about one million population. Additions to the force are made each year through appointment by the Lord Chancellor, who is assisted by a committee, and who fills all judicial vacancies in England and Wales. Appointment is for life, and without salary. The fundamental importance of the office and the high quality of the appointees contribute to the honor which attaches to the position. While there is a considerable volume of work to be done, the conditions of service are never onerous, for there is always more than a barely sufficient force. And it appears that there is no individual compulsion to service. The work never suffers from individual disabilities arising from illness or old age.

The justices have a larger jurisdiction in criminal cases than our police court judges. They also control the licensing of places for the sale of liquor and those for amusement—theaters, cinemas, billiard halls and boxing shows. Finally, they administer the adoption of children act and the fund for the maintenance of married women who are deserted or deprived of support by their husbands.

These various functions are aided by committees of magistrates. One committee makes up a rota for service in the police courts, assigning to each of about eighty justices a certain day of each alternate week, so that each assigned magistrate is expected to sit on the bench twenty-six times a year. Judicial work, however, is never performed singly; there must be at least two justices on the bench. Three is the preferred number, but sometimes, in order to employ all who are in attendance, there may be a bench for four. In the rare instances when two or four justices disagree, the case is transferred immediately to another branch.

This arrangement permits of opening two or three courts every morning in the Victoria Law Courts building, where are also the police headquarters and lockup. And in four districts which formerly were independent towns a session of court is held once a week for the disposal of by-law cases only. Ordinarily a justice who finds it inconvenient to attend on the day assigned to him sends word in advance. At ten o'clock those on hand make up benches for two or three courtrooms. Usually the work is completed by one o'clock. There are women justices also, and they preside over the juvenile branch on certain days.

Here it should be noted that there is also one professional police court judge, who, being the only one on salary, is appropriately styled the stipendiary. He is appointed for life from the list of barristers and his salary is £1,200, less income tax. Presumably the stipendiary is expected to try cases involving difficulties of technical law or evidence, but certainly most of his cases are similar to those brought before the lay justices.

Conducting preliminary examinations in the small number of more serious offenses, which may involve a thorough knowledge of criminal law, justifies the employment of an expert on full-time salary.

A competent clerks' staff is provided, some of the minute clerks being solicitors. The clerks interrogate witnesses, subject to occasional questioning from the bench.

Spacious and dignified courtrooms are provided, with a dock in the middle for accused persons, who are admitted by a stairway leading from the floor below where the lockups are located. There are few spectators. Rarely is a prisoner represented by council. Solicitors, it is said, will not defend without a fee, and no provision exists for payment by the state.

FEW REQUESTS FOR JURY TRIAL

Since this court can sentence to six months in prison for each of two offenses, its jurisdiction includes a number of offenses which in our country would require binding over to the grand jury, or to a superior court. In larceny the value of the property is of no moment, so it is possible to dispose of many cases which we make indictable. On the other hand, there is no jury trial in the English magistrates' courts; that is reserved for judges of larger powers who were barristers at the time of their appointment.

It appears to an American lawyer, that, while the use of a jury is undesirable in an inferior court, and might

not be adaptable to a bench of two or three judges, its lack would result in a multitude of jury demands, thus making the lower court comparatively impotent. But this is not actually the case. Respondents are rarely defended by lawyers. There is nobody interested in processes of delay. And the fact that the case is to be heard by two or three laymen apparently does, as it properly should, render a jury unnecessary. It is said that demands for jury trial are virtually limited to a few habitual delinquents who cannot be sure of earning a living and so relish a few weeks in jail under the lenient treatment accorded all prisoners not yet convicted.

Only a few offenses are indictable, and in such cases the magistrates examine and hold the accused to the grand jury, which will present indictments at the assizes of the High Court of Justice, held three times a year in Birmingham. At the winter assizes, 1928, there were fourteen cases, but several originated outside the city and five, in which conspiracy was charged, were tried as one.

Cases in the magistrates' courts in which there is a demand for jury trial, and also cases which are above the magistrates' jurisdiction, but are not indictable (such as burglary, arson and aggravated assault), are sent, after preliminary examination, to the Quarter Sessions, a court convened six times a year and presided over by a barrister, sometimes assisted by an associate, who are paid for part-time services.

In the average year the assizes devote about twenty-five days to criminal trials and the Sessions devote from fifty to sixty days. Since there are about 1,400 sittings of the police branches, and about 80 per cent of these are conducted by unsalaried, lay judges, it will appear that the cost of judicial salaries in criminal cases of all kinds in this city of a million is considerably less than the salaries of two judges on full time. But, after all, it is not the economy, but the quality of service performed, that makes the English plan appealing to those who seek better enforcement of law in our cities.

PROCEDURE

There is no room for congested dockets in Birmingham. Sessions of three of four hours result every day in disposing of all pending cases. More important, however, is the fact that there is no pressure or haste. Every case is dealt with deliberately. There is no sense of routine or perfunctory performance. Every case is a separate study.

In nearly all cases the testimony is given by the policeman who has made the arrest. And in most cases the respondent's statement, whether he has pleaded guilty or not guilty, fails to explain his conduct fully. He is questioned patiently and considerately. And in most cases the bench is faced with only one question: What is the judgment best calculated to prevent this defendant from giving further offense?

At this point there is likely to be a whispered conference between the justices. If the respondent appears to be of inferior mentality he will be held a week for a doctor's opinion. If further proof is required he will be remanded for a week. But the right to immediate trial is protected by first obtaining respondent's consent to a remanding order.

In cases observed by the writer there appeared to be a disposition on the part of the court to suspend sentence on a first offender if the facts indicated a likelihood of reformation. There might be an order for probation for a period not less than six months nor

more than three years, but this order is sparingly used, as is shown by the fact that of the seven probation officers for the city only two handle the cases of adults.

When a sentence is imposed, whether of fine or imprisonment, it is not trivial or perfunctory. Before sentence the record of every respondent is read. Repeaters are sure to receive a stiffer sentence than before.

LICENSE POWERS

The duty of the magistrates to supervise the licensing of liquor-selling and amusements is directly related to their judicial work. The powers exercised by them create a general responsibility for the state of public morals. In the hands of officers placed entirely above personal and partisan temptations the administration of the licensing law is not difficult. Public houses are licensed for one year and, in acting on the petition for renewal, the magistrates pass upon the facts and render a decision just as they do when on the bench.

There appear to be exceedingly few prohibitionists in England, but the country is being steadily "regulated" into habits of temperance. Public houses are not opened until ten or eleven o'clock, depending upon locality. They close during the afternoon to prevent patrons from neglecting their jobs. And they close early at night. The domestic tax on beverages is so heavy that drinking is discouraged, especially of distilled liquors, and these are of a greatly reduced alcoholic content.

It might appear that retail selling is unprofitable in the few hours permitted for business. On the contrary, a license confers a valuable franchise. Competition is limited, both through reduction of licenses and through control of the number of houses in any neighborhood, so a dealer is sure to make the business pay fairly well and to secure renewal of his license if he obeys the law. Meanwhile he has an easy life with exceptional social advantages.

The magistrates acquire information about the effects of liquor-selling and amusements in the courtrooms, and as dispensers of licenses they are able to impose restraint where called for.

SUCCESS OF BIRMINGHAM JUSTICE

The importance of the inferior criminal courts cannot be overstated. They constitute society's first line of defense. Society endeavors to impose a discipline which is difficult for the weaker element to live up to. Infractions are inevitable. It is of the utmost consequence, then, that an intelligent, high-minded, humanly experienced magistracy be provided to observe, counsel, study and punish delinquents. Almost all serious offenders begin with small offenses. The first screening is of vital importance. The keeping of accurate records of all delinquents, with constant reference to these records, is essential. Approved and final adjudication on the first day following arrest is desirable. The personnel and standing of the magistrates should be that of the best citizenship so that offenders will realize that they are being accorded the treatment which represents the crystallized experience and sentiment of society in its entirety.

After what has been said, however brief, it is hardly necessary to add that, in the writer's opinion, the Birmingham magistracy is the most perfect piece of administrative, or judicial, machinery for its purpose that he could conceive of. He can think of no way of improving it, and considers that its recorded results fully justify this estimate. Although Birmingham has grown rapidly, incurring all the problems inseparable from metropolitan government, its record for crime stead-

ily improves. There was a slump in the few years following the war, with industry in confusion and several millions of young men suddenly released from military discipline. In the past few years, however, crime records are more favorable than before the war. There is still too little employment, which especially oppresses those of mental, moral and physical inferiority, the same class that furnishes nearly all of the arrests.

So the people of Birmingham have grounds for their buoyant feeling about criminal law enforcement. They record one, two or three murders a year, and in some years there is not a single case of robbery.[1] The police force is of normal size, numbering about 1,500, but of course it is responsibly managed. The patrolmen have but one boss and but one controlling thought. So long as they do their duty faithfully and tell the truth they have nothing to worry them.

The work of a police magistrate is essentially unpleasant. Nobody is going to engage in it at all unless he is well paid, compared with what his time would command in other lines of endeavor. Lawyers especially cannot perform this work without losing professional caste. We have tried in some cities to reward honest service with substantial salaries, as much as $11,000 per annum being paid. The effect of this, unfortunately, is to attract the candidacy of a number of lawyers of mediocre standing and strong political attachment. The voters are naturally unable to distinguish between candidates, and there is a genuine danger that the police court judge who best performs his duty will be defeated for reëlection. As long as we have the popular election of such officials for short terms these dangerous limitations are absolutely unavoidable.

The appointment by a high authority of a sufficient body of lay magistrates with guaranteed tenure insures a high average of performance. The appointees will not all think or act alike. Difference of temperament should be actually valuable. By sitting in pairs or small groups the wisdom, as well as the weaknesses of the magistrates, is averaged. The matter of salary is not unimportant. To pay a moderate salary would be to deprive the officials of the high honor of the office, which, with their appreciation of the significance of the work, is their ample reward. And the avoidance of salary permits of the use of a large number, so that the work is not onerous, but rather an interesting and proud avocation. By adding from year to year a sufficient quota the consideration of old-age disability is avoided. Any true estimate of the situation as observed in this one city would justify bestowing upon the holders of this office, which with us is one of disrespect and nauseous details, the title of elder statesmen. The most personal contact of government with the individual, the one which more than any other calls for good sense, steadiness and open-mindedness, and upon which rests so largely the superstructure of justice—the center arch of government—comes in the police and police court functions. Are not, then, the citizens who give of their time and their wisdom to this work practical statesmen?

WHAT U. S. COULD DO

We can do the same thing in our cities, and in our small towns as well. It would probably be necessary to alter a few mistaken words in a state consti-

[1] A more complete description of the Birmingham magistracy, with tables showing the number of offenses, appeared in the *Journal of the American Judicature Society*, April, 1928. Copies obtainable from the secretary, 357 E. Chicago Ave., Chicago.

tution, but to make any considerable improvement along the line where we have so signally failed would require as much, and it should be easier to command public attention for this plan than for the proposal that a few professional police court judges be appointed rather than elected. The politicians will line up against either proposal. We have the analogy of citizen service on school boards and library boards and our experience in these fields would convince the general electorate.

In our country many of the very men and women who would best make up a local magistracy because of their attainments and their understanding of the significance of the work, are obliged to squander their time, energy and spirit in a hopeless attempt to force efficient performance by a magistracy which has more than one interest and more than one boss.

HOW CINCINNATI'S NEW GOVERNMENT IS IMPROVING CIVIL SERVICE MORALE

BY R. O. BECKMAN

Director of Personnel, City of Cincinnati

Cincinnati is paying attention to morale with resultant benefit to her people. In some respects government is at a disadvantage in factors which assist morale. :: :: :: :: :: :: :: ::

EDITOR'S NOTE: — Address before the midwestern conference of the Civil Service Assembly of the United States and Canada, February 15, 1929.

FEW things are more intangible and more loosely defined than "morale." For our purpose, the term may be understood to mean a particular code of ethics—more specifically the ethics of coöperation—as developed within a given organization. You may call it what you like, *esprit de corps*, the spirit of cohesion, the spirit of unity, or morality in relation to one's employment. In popular conception, the term loyalty is almost synonymous. By improving morale, we mean, therefore, the inculcation in a group of individuals of a desire to do that which is right, that which is just, decent, and honorable as far as their employment is concerned. Morale thus involves allegiance to an ideal.

OLD ATMOSPHERE ANTAGONISTIC TO MORALE

In Cincinnati during the past two years, we have given thought to the importance of morale. In a city administration admittedly as run down as was ours before the advent of the city manager form of government, the development of a new attitude towards their work on the part of the city employees presented manifest difficulties. The city hall atmosphere was essentially a political one, a considerable number of employees were of the species known as "bolivars," salaries were low and unequal as between persons performing the same type of work, inefficiency was commonly accepted and expected, and nowhere was there much of an incentive to constructive accomplishment. The selection of Col. C. O. Sherrill as city

manager in itself precipitated a change. A man of forceful and dynamic personality, his energy and enthusiasm were soon transmitted to his department heads and to employees of the rank and file. There was no wholesale "chopping off of heads," but all employees were given a chance to retain their places, improve their opportunities, and develop their latent capacities. As an army man, Colonel Sherrill knew the importance of morale. He took kindly to suggestions for the development of an *esprit de corps* on the part of the city's employees.

We believe that some progress has been made under the aggressive leadership of the city manager, but we have by no means solved the problem. Perhaps the best that can be said is that we do recognize the factors involved and are on the way. Let me briefly outline some of the considerations which we are bearing in mind and some of the things we hope to accomplish. We believe they are all concerned with morale.

CLASSIFICATION, EFFICIENCY RATINGS, DISMISSALS

There is no more fruitful source of dissatisfaction among employees than discrimination in the matter of classifying positions and assigning rates of pay because of political favoritism, or because of the absence of a definite plan or program. One of the first steps, therefore, taken some eighteen months ago, served to iron out inequalities as far as the classification of positions and compensation rates were concerned. We now have a satisfactory classification of positions into which the employees have been grouped. We have adopted a standard scale of salaries in connection with which the incumbent of a given class may advance from a minimum to a maximum salary for the particular type of employment involved. The wage level may not be as high as it should be, but it is at least fairly comparable with the rates of pay prevailing outside the city service.

Considerable time has been spent on the development of a service or efficiency rating plan by which each employee is graded twice a year by his supervisors. The plan serves to place employees on their mettle, since they realize that salary increases are dependent upon a satisfactory rating, and that if prescribed standards are not maintained they may be discharged. There are indications that department heads and employees no longer regard efficiency ratings as a "lot of hooey," but that they regard the plan as a practical measure for increasing efficiency and developing a work interest.

The civil service commission, to which discharged or suspended employees may appeal if they feel they have not received a square deal from the appointing officer, probably has the confidence of the employees and citizens in general to a larger degree than any previous commission. Its members are men of unusually high standing in the community. Although reinstatements of dismissed employees have been ordered in but a very few instances, appellants very generally feel that the commission will give them a fair and impartial hearing.

WORKING CONDITIONS—PROMOTIONS

Attention has been given to working conditions, hours of work, vacations and sick leave. Hours of work formerly varied widely, and there were no standard provisions relating to vacations or sick leave; standard regulations for attendance control now apply to all departments and discrimination has been eliminated. Another important feature in morale is the establishment of a pension or retirement plan.

Members of the fire and police departments have had a pension plan for many years. A statistical survey of the situation as it relates to other employees of the city has just been completed under the direction of the city manager, and it is hoped that a satisfactory retirement plan for all city employees may be adopted next year.

The civil service commission has endeavored to broaden the opportunities for promotion within the city service, although it has insisted on a rigid demonstration of fitness before promotions are approved. Promotions were formerly confined to a given department, but we are endeavoring to increase the number of promotions across departmental lines. The opportunity for transfer from one department to another is an important factor in morale, since certain employees whose services are unsatisfactory in a given department may be more suitably placed in another. Opportunities for transfer are, unfortunately, infrequent, but whenever an employee is improperly placed, or whenever a department head is dissatisfied with an employee, efforts are made to obtain a more suitable place. When employees reach the limit of their opportunity in the city service we are glad to assist them in finding employment on the outside. Only recently I furnished a large corporation with the names of certain employees for whom there seemed to be little further opportunity within the city service.

In order that the services of faithful employees may be recognized and public attention called to the obligation which the city owes to those who have conscientiously devoted themselves to its interests, the city manager has arranged to present engraved certificates of meritorious service to employees who have been with the city for ten years or more. Recognition of worthwhile achievement of this kind ought to prove an important stimulant to loyalty.

Workmen's compensation and safety has been given consideraton by the personnel office. By centralizing reports of accidents and following up the claims of injured workmen an effort is being made to expedite the payment of claims and to provide such additional relief as may be needed through the department of public welfare. Group meetings of employees engaged in hazardous occupations are held in connection with a municipal safety campaign, and safety posters are displayed on bulletin boards in appropriate places. It is hoped that the safety program may serve to impress particularly the unskilled workers with the fact that the city is interested in their welfare.

Last fall an extensive municipal exposition illustrating the numerous activities of the various city departments was staged in city hall. More than 50,000 visitors became acquainted at first hand with the work of the city and its employees. The exposition undoubtedly served to stimulate the interest of city employees in their work.

SOCIAL ACTIVITIES

The social aspect of morale has not been overlooked. A municipal employees' recreation association was organized; this group conducts interdepartmental athletic matches and has staged dances, parties, and a picnic. An informal luncheon meeting of department heads is held each week at one of the clubs of the city, thus affording an opportunity for desirable social contact on the part of this group. Junior executives and supervisors of the city have been organized into a group which meets once a month at a dinner meeting; this is devoted either to a discussion of inter-departmental

operating problems or to an address by a speaker of note.

The administrative code of the city provides that the director of personnel shall be accessible to any employee who shall desire to complain regarding any condition incident to his employment. In furtherance of its desire to maintain cordial relations with the employees of the city, the personnel office sends out a letter of welcome or congratulation to each new appointee to a city position, in which he is urged to confer with the office at any time regarding his work.

These, then, are some of the considerations affecting morale to which we are giving thought in Cincinnati. Many of them have been commented on by Professor White in his admirable study of employment conditions in Chicago made in 1925. Among them are the desire for justice and a square deal, the desire for recognition, the psychology of personal loyalty, the importance of working conditions, sociability, and vocational adjustment.

The most important consideration affecting morale in a business or commercial organization is, of course, that of competition. Unfortunately there is relatively little opportunity in the public service for the influence of this stimulus, except perhaps as comparisons may be made between different municipalities. This competition should be further encouraged.

THE COMPONENTS OF MORALE

The satisfaction of accomplishment is one of the most important bases of morale. We have perhaps accomplished a little something worth while in Cincinnati, but to my mind we cannot truly foster morale in our city, in a governmental organization anywhere, or in commerce and industry, unless we effect a fundamental change in our philosophy of life. There can be no morale until the rank and file of city employees—and industrial workers generally, as far as that is concerned—change their allegiance from the foolish cult of happiness to that of skill and workmanship. Most of us seem to believe that success in life means a kind of beatific "happiness." We think that the end and aim of life—the purpose of human destiny—is a "soft job" or, still better, an independent income to be expended in the pursuit of pleasure. But the progress of civilization does not lie in that direction. The true value of life resides inside, and not outside, the day's work—not in the satisfactions that can be obtained from the wages of labor, but in the performance of labor itself. Morale, ethics, and morality must grow from the kernel of the world's work.

Every man, it is said, should have the right to work, although nowadays as we perceive the long line of jobless men, willing and anxious to do anything, who crowd the corridors of our employment offices, I sometimes question whether this gospel is but a mockery.

But just as important as the right to work is the right to skill. For our present discussion, skill is all-important, since its development and coöperation spell the birth of morale. Without some kind of skill to exercise, man remains half-grown, undeveloped, existent only. Furnish him with skill, train him for an occupation, give him opportunities for perfecting himself in his chosen work, and you give him that which makes him master of his fate and captain of his soul. An initial objective in our path towards the improvement of morale must therefore be proper vocational placement. We need more vocational guidance in our schools and our employment bureaus, and we must seek more accurate placement of our employees. We should provide further training opportunities

so that these employees, when once appointed, may further develop their skill. We must encourage them to seek further education and specialized training. We must give them an opportunity for self-expression. Until these are done no employer has met his obligation to his employees.

THE RIGHT TO RESPONSIBILITY—INDIVIDUAL INITIATIVE

Another right which I consider inherent is the right to responsibility. All too many employers and supervisors insist on keeping their grip on all authority and a multitude of routine details. Jealously they fear to entrust an ounce of responsibility, encouraging an attitude of dust-eating dependence rather than self-respecting independence on the part of their assistants. Understudies should be sought and trained rather than feared, yet any one of you civil service executives knows of a dozen positions in your own city that could be filled only with tremendous difficulty because some obstinate old fossil has refused to pass on the specialized information he has absorbed to a younger man who might some day succeed him. Every executive should, within reason, take his subordinates into his confidence and give them that broader prospective needed to appreciate the "why" and the "wherefore" of things. The development of self-expression and skill warrants the entrusting of responsibility to those who are able to assume it.

Industry is more fortunate than the public service in affording opportunities for individual initiative. The method of popular representation on which the structure of our government is grounded is badly adapted for dealing with the complexities of modern business organization and management. It is quite as rational to govern our cities through elective officials and council committees as it would be to operate a fast mail train with a committee of the passengers. The city manager plan recognizes this weakness of democratic machinery and definitely fixes the responsibility upon a trained executive. The recognition of this principle as it affects the chief executive of a city should find ramification down the line among subordinate supervisors and the rank and file, and responsibility should be imposed where it can be met.

In approaching the question of morale let us then concede the right to skill, the right to responsibility, and the need for the adoption of a philosophy of craftsmanship on the part of those engaged in the public service. One of the most significant and hopeful phenomena in government today is the presence in every municipality and state of men and women who, consciously or not, have adopted these ideals. They demonstrate that they can be relied upon in positions of trust without being watched, spied upon or guarded. The employees—and citizens—most needed are the men who accept a vocation and carry on its attendant work with the utmost skill within their power. We can recruit more of their kind and develop morale only by emphasizing the habit of mind and the philosophy that I have here outlined.

THE MANAGER PLAN APPROPRIATE FOR COUNTIES

A REJOINDER TO KIRK H. PORTER

BY ROWLAND A. EGGER
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In our January issue Dr. Porter threw a wet blanket upon the manager plan for counties. Mr. Egger does not see it that way. :: ::

THE arguments of Dr. Kirk H. Porter against the county manager plan, advanced in the January issue of the NATIONAL MUNICIPAL REVIEW, while doubtless quite relevant to the organization of local rural government in Iowa, seem to this writer erroneous as general principles of local administration, and hardly applicable to conditions throughout the United States.

Dr. Porter's indictment of the county manager plan in its application to American local governmental units proceeds, as I understand it, somewhat after this fashion: Counties are not natural administrative areas; they were, for the most part, laid off by legislatures with the aid of compass and ruler. Cities, on the other hand, being created at the behest of their inhabitants, do represent unified areas. The manager plan presupposes the existence of functions so intimately related as to lend themselves to unified administration. Cities have functions of this sort; counties, to the contrary, exercise functions which are partly local, partly state, and partly unclassifiable. From the four premises of this double syllogism, Dr. Porter concludes that the success of the manager plan as applied to cities is not a legitimate argument for its extension to counties.

IS MANAGER PLAN INCONSISTENT WITH STATE SUPERVISION?

The *pièce de résistance* of the entire treatise, however, is concerned with the relation of the manager idea to state centralized administrative control. Centralized administrative control, a desirable tendency in contemporary local government, is rapidly increasing. The creation of a county manager system would tend artificially to unify an administration which is not susceptible to logical unification, and would vitalize an appropriately innocuous area of local government. Hence, the county manager plan is undesirable.

For the purposes of this discussion we may well eliminate the urban, or largely urban, county; students of metropolitan government substantially are agreed that the most practical, and indeed the only feasible, solution of this problem is the federated region, similar to that created for London and Berlin, proposed for the cities, boroughs, and townships of Allegheny County, Pennsylvania, and permitted under the 1927 charter of Alameda County, California. To areas such as these there can be no question as to the applicability or desirability of the manager plan. Dr. Porter concedes

this fact, but objects to the application of the manager principle to rural, or largely rural, counties.

The most important argument which Dr. Porter advances in his case against the county manager plan—its incompatibility with a desirable development of state centralized administrative control—is open to serious question. While the success of a given plan in one country is not conclusive evidence of its applicability in any other, conclusions drawn in the absence of an investigation of foreign experience are scientifically premature. And Dr. Porter's chief argument is not substantiated by European practice or experience.

GERMAN EXPERIENCE

The rural communes of Prussia, which are areas most nearly analogous to our own rural counties, while not administered by an official designated as manager, are governed by officers whose positions are sufficiently analogous to illustrate the point. The communal director is chosen by the common council,[1] and is charged with the enforcement of higher laws and administrative orders, the resolutions of the council, supervision of local financial activities, the appointment of all officers which the common council decides to establish, and the performance of numerous related functions. He is in direct charge of the assessment and collection of taxes.[2] It is a matter of common knowledge that nowhere has state supervision and control been more highly developed than in Germany, and particularly in Prussia. The fiscal activities of the commune are subject to the scrutiny and control of the superior authorities,[3] the decisions of the common council may be suspended or annulled by the *Kreis* authorities, and disciplinary action may be pursued against the communal director and his advisers for non-compliance with higher orders or for dereliction of duty.[4]

The local rural government of Württemberg, as far as unified administration is concerned, is even more directly in point. The administrative organ of the Württemberg commune is the communal director, popularly elected for a term of ten years.[5] The election must receive the approval of the central authorities, but such approval cannot be witheld except for reasons specified by law.[6] The communal director is charged with the preparation of the agenda of the communal assembly, the summoning of the assembly, the conducting of its sessions, the direction of its discussions, the issuance of orders in conformity with its decisions, and the supervision and control of the execution of such orders.[7] "He directs and supervises the entire communal administration, particularly the management of communal property; he handles personally all current business, or sees to it that it is cared for by other officers. He manages the local police according to the provisions of the law,

[1] *Landgemeindeordnung für die sieben östlichen Provinzen*, Sections 74, 75 and 84. *Gesetz Sammlung*, 1891. (The German material contained herein has been verified and summarized from Blachly, F. F., and Oatman, M. E. *The Government and Administration of Germany*, Chapter X. It is in substantial agreement with the *Handwörterbuch der Kommunalwissenschaft* and other authorities consulted.)

[2] *Ibid.*, Sections 88, 90, 91 and 140.

[3] *Ibid.*, Sections 119 and 120.

[4] *Ibid.*, Sections 139 to 145.

[5] *Gemeindeordnung vom 28 Juli*, 1906. Article 55, *Regierungsblatt*, 1906.

[6] *Ibid.*, Article 56; also *Verordnung des Staatministeriums betreffend bei Überweisung der Geschäfte der Kreisregierungen an andere Behörden, vom 26 Marz*, 1924. Section 6. *Regierungsblatt*, 1924.

[7] *Gemeindeordnung, lex cit.*, Article 63.

maintains public order, supervises the officers and employees of the commune, looks after the publication of laws and general orders, and cares for any local business of the state and district administration which is not given over to other authorities."[1] As in Prussia, the fiscal activities of the commune are subject to scrutiny, review, and investigation by the higher authorities.[2] Documents and offices may be examined, officials may be compelled to appear and give information, and acts of the communal council may be suspended or even annulled.[3] It is an interesting commentary upon the German practice to note that, of the important states of the German Reich, Bavaria and Baden alone have a collegial administrative organization for their units of local government. Hesse and Saxony provide approximately the same machinery as Prussia and Württemberg.[4]

FRANCE AND ENGLAND

The complete centralization of administrative control in France is a matter of too common knowledge to merit extended comment here. It is interesting to observe, however, that "the mayor alone is charged with responsibility for the administration" of the affairs of the commune.[5] And the commune is, in France, preponderantly a unit of rural local government. The abolition of even the remotest vestiges of self-government in Italy under Mussolini is also a matter of general knowledge; he has not, however, found it necessary to weaken local administration through the division of its executive.

England in spite of an ostensibly plural administrative organization for its rural areas, is in fact centralized and unified. Administrative functions, and the responsibility for the performance thereof, increasingly have been vested in a single officer, the paid parish clerk. This has doubtless been due to the legal prohibition of the employment of more than one paid official.[6] Nor is the county the decentralized unit which its extensive committee organization would indicate. Investigation has revealed that the clerk of the county council is, in many instances, a very close approximation of our proposed county manager, as far as method of selection, control of, and responsibility for administration are concerned.[7] It is also true that central administrative control has been far less satisfactory in England than in either Germany or France.[8] While unquestionably there have been influences other than a slight administrative deconcentration possible under collegial organization, such deconcentration evidently has not contributed a great deal to the success of centralized control.

ARE COUNTIES ARTIFICIAL?

Dr. Porter mentions, but does not press, the fact that counties are essentially artificial units. It must be admitted that there is a good deal of

[1] Blachly, F. F., and Oatman, M. E., *op. cit.*, p. 340; also *Gemeindeordnung, lex cit.*, Articles 63 and 163 to 166.

[2] *Gemeindeordnung, lex cit.*, Articles 115 to 161.

[3] *Ibid.*, Article 186. Article 187 as amended by the Law of 1924, Section 6, *Regierungsblatt*, 1924.

[4] *Landgemeindeordnung, Gesetz vom 8 Juli*, 1919. Article 91.

[5] *Loi municipale du 5 Avril*, 1884. Article 82. Arnoux, V., and Rome, J., *Nouveau code des municipalites.*

[6] See "Parish and District Councils," *Fabian Tract No. 62*, p. 8.

[7] See I *Minutes of Evidence of Royal Commission on Local Government*, 77. Evidence of Mr. Gibbon.

[8] See Griffith, Ernest, *Modern Development of City Government*, 2 vols., *passim.*

merit to this argument. The question of what constitutes a logical administrative area is yet unanswered. Alameda County, California, and Allegheny County, Pennsylvania, recently have decided that they may be administrative areas for some purposes and not for others. London and Berlin preceded our American urban areas to the same conclusion by several years. If our areas of local rural government were to be subjected to the same close scrutiny and careful analysis there would doubtless arise the same inability to formulate a categorical definition of a logical administrative district. The primary consideration is a purely practical one—that of administrative convenience. The fact that a county may not be such a district is not a legitimate excuse, in the face of the impossibility of territorial readjustment, to refuse attempts at administrative rationalization.[1] Again, the German and French local rural areas are in the same predicament as far as territorial maladjustment is concerned, as our own. They are areas quite as artificial, and were formed by methods quite as arbitrary as those utilized in the determination of the metes and bounds of our own local rural areas. Such maladjustment would seem, then, not to be an insuperable obstacle to comparatively efficient local rural administration.

It is important to remember also, in connection with state centralized administrative control, that the functions thus far centralized in the United States have been so treated for purely utilitarian purposes, because of the peculiar interest which the state, as such, has in a particular local activity. Assessment for taxation, roads, and health are adequately illustrative; the modern development of science and industry has outrun the imagination of our governing bodies, and we are but slowly centralizing functions which that development has demanded be centrally administered. This centralization has involved no fundamental alteration of our political theory, or of our conception of the appropriate sphere of action of the county, which has always been at variance with judicial opinion on the subject. But when the increased activity of all governmental agencies is considered, state centralized control has not actually resulted in an appreciable diminution of the functions performed by our counties. All of our governmental units are doing more, and accretions on the one hand more than compensate for encroachments on the other. County libraries are becoming commonplaces, county planning is developing, and there is little indication that our counties have reached the maximum of the functions which might be performed with a rational and responsible administrative organization.

[1] "I am not going to take up the question of the consolidation of counties, but later I will take up the question of the improvement of town and county government." Roosevelt, F. D., "Smith Plan Will Not Be Pressed," *New York Times*, January 12, 1929, 2.

ARE COUNTIES BOUND TO DECLINE?

The complete assurance of Dr. Porter with reference to the decline of local self-government raises other questions. Chief among these is the desirability of increased state centralized administrative control in the face of the complete lack of integration in our state governments. The problem becomes more than an academic one when its implications are fully realized. There is no guarantee at the present time that the various state departments will exhibit any degree of coördination in their policies. They are headed by independent officials, and the governor is simply *primus inter pares*. A student

of local government is hardly able to regard with equanimity a proposal to increase central administrative control when its implications are potentially so disastrous to our local areas. It is nothing less than rational to demand that coherence and continuity of administrative control be provided before our counties are so blandly dispossessed of their historical prerogatives; the problem must be solved at its source.

Granting the completion of the movement at present on foot toward the integration of state government, it is safe to affirm that no one now is rationally opposed to the development of state centralized administrative control. If the European experience is at all indicative, however, there is nothing inconsistent in the existence of unified local administration and central administrative control side by side. It is conceivable, of course, that central control might proceed beyond a point which would permit the efficient functioning of a unified local administration. I am, for my own part, not unduly impressed with the necessity immediately for preparing for such a situation. Our counties are now, and seem likely for some time to remain, areas primarily of local self-government rather than administrative subdivisions of the state. If administrative control is not incongruous with the high degree of unification found in Europe, there is certainly nothing inconsistent in such unification and the mild variety of state supervision with which we are at present acquainted in this country. Meanwhile, there remains the phenomenon of a headless county government, blundering, wasteful, inefficient, and oftentimes corrupt, distrusted by the people, and consequently denied the performance of functions which perhaps more logically belong to it than to the state. The implication is neither subtle nor involved.

SAN FRANCISCO'S SUCCESS WITH VOLUNTARY REPLATTING AS AN AID TO CITY PLANNING

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Infinite patience plus tact and good judgment bring successful coöperation of property owners in replatting two areas where bad planning was marring the city's development. A suggestion for other cities.

PRACTICALLY all cities are in need of city planning, a large number of them are talking about it, and a few are actually doing something about it. As a rule, the tool which is resorted to for the purpose of bringing about actual changes in existing street plans is the right of eminent domain. It is undoubtedly effective. In some situations, furthermore, it is the only means by which a municipality can get new streets for old. Unfortunately, its use is so cumbersome, costly and painful, that it is employed only under circumstances in which the urgency of the need for relief outweighs the difficulties and expense involved in providing that relief. In locations where immediate action is less imperative, the evil day is postponed until changing conditions amend the situation by substituting "must" for "ought."

San Francisco has recently taken time by the forelock in wiping out the existing street plans and substituting better plans for them in two fairly extensive parts of her area. In both cases, not condemnation but voluntary replatting by the owners themselves was the method employed. In each case, furthermore, there were not simply two or three owners whose rights were involved, but scores. The success which attended the efforts in these two cases warrants the belief that the method is adaptable for use in a reasonably wide range of circumstances.

PERTINENT FACTORS IN THE GENERAL PLAN

Why did San Francisco feel called on when she did to assume the initiative in correcting the errors in street plans which these two areas in particular had inherited from the past? An answer to this question is essential to the proper evaluation of the usefulness of the method elsewhere. That answer can be made fairly apparent by indicating the manner in which topography, economic factors, the former blind adherence to conventional patterns of street design, and the final emergence of conscious planning have combined to form the city which exists today.

The narrow peninsula at whose northern tip San Francisco is located is dominated by an irregular range of hills near its center, culminating in the Twin Peaks which stand some nine hundred feet above sea level. For obvious reasons, the first permanent settlement took place between the northern foot of these peaks and a point on the low-

lying shores of the bay near where the Golden Gate cuts through to the Pacific. As the community grew, the tidal lands along the bay were reclaimed and the waterfront was developed with publicly owned docks. The railways also, whether they pushed their way up the peninsula from the south or obtained access by means of ferries from the mainland east of the bay, established their rights of way and terminals on the northeastern side of the peninsula.

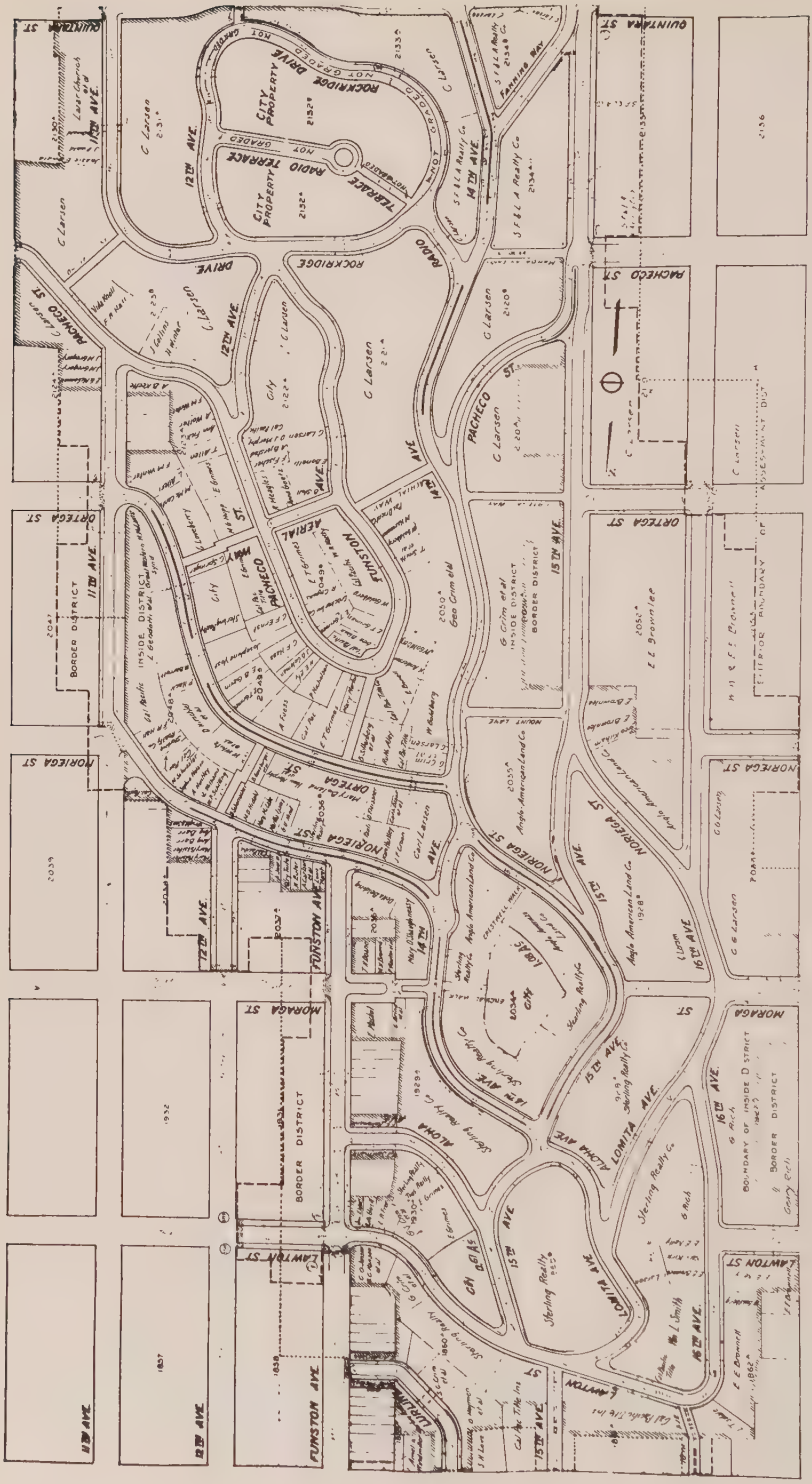
In short, a natural zoning dictated by topography took place. Business centered along the level lands flanking Market Street—the original highway connecting the early settlement with the first permanent landing place. Residences spread out over the contiguous areas north and south as fast as means of access could be provided. Industry and commerce concentrated in the fringe along the bay shore served by rail and water-borne transportation facilities. Because of the narrowness of this fringe at its northern extremity, the logical direction for future expansion was toward the south.

A city plan dictated by topography alone, of course, can never be entirely free from conflicts and objectionable features. Conscious direction became necessary not only to preserve and improve the plan which had already evolved but also to guide the future growth of the still undeveloped sections of the city lying along the rugged shores of the peninsula on the west. Those lands, logically, were zoned for residential uses and for recreation, and as one of the factors essential to their development, a scenic highway was constructed along the full length of the city's frontage on the Pacific. Except where the property held by the federal government for military purposes intervenes, this drive has been completed at intervals also along the crests overlooking the Golden Gate, and it is hoped eventually to extend it eastward all the way to the bay.

At this point a sharp conflict developed between the new comprehensive plan and the commercial expansion of the city. Industry, instead of growing toward the south where there was abundant room, showed a marked tendency to push out into the narrow fringe lying between the hills and the shore line on the north. The southerly expansion had been checked for some reason at Islais Creek, an arm of the bay. The lands there presented no problems in reclamation which had not been solved previously in connection with the development of the tidal lands north of that point. Upon investigation, it became evident that the obstacles had been created simply by the manner in which a considerable percentage of the Islais Creek area had originally been subdivided.

For example, one area of fifty acres in that vicinity was covered by what was known as Gift Map No. 4 which had been filed in 1861. The tract—all of it at that time subject to the ebb and flow of the tide from the bay—had been divided into lots 25 feet by 70, fronting on 40-foot streets. Many of these lots had been used as prizes in lotteries and in various sales schemes, the only cost to any grantee being $10 for the deed and the notary fee. Through these devices the ownership of the tract had been widely disseminated. The situation was further complicated by the facts that flagrant errors had crept into the original surveys and that Islais Creek had meandered in the meantime, with the result that all of the lots to which titles were on record could not be fitted into the tract.

This situation had defied the best efforts of private individuals to untangle it. This fact accounted for the ever increasing tendency of the ex-



MAP OF NEW CONTOUR STREETS REPLACING FORMER GRIDIRON IN GOLDEN GATE HEIGHTS, SAN FRANCISCO

Three new city parks, covering almost seven acres, were created as by-products of the replatting.

panding industries to push out northward and westward along the curving shore line toward the Golden Gate—a tendency which, if unchecked, would have had a catastrophic effect on the plan for preserving unmarred the impressive natural beauty of that section. The gift maps of 1861 had precipitated a crisis which their promoters had neither foreseen nor intended.

Meanwhile, another similar problem had already forced itself on the attention of the city's administrators. The growing population had spread out over all the readily accessible parts of the peninsula, but the Twin Peaks, with the long ridges buttressing them, formed a barrier which shut off the southwestern section of the city's area from residential development. Since 1917, the city has driven two street railway tunnels through the intervening ranges so as to connect the heart of the business district with the previously almost undeveloped areas lying between the Pacific Ocean and the Twin Peaks.

A street system of the conventional gridiron pattern to which San Francisco had been committed throughout most of its area since the early days of American occupation had previously been dedicated in that area, and a number of lots had been sold off to investors and speculators. Unfortunately, the gridiron had been projected on a map without regard to topography. Over the greater part of the area west of the peaks, the system was adequate, but in one region known as Golden Gate Heights, its results were little short of absurd. Any attempt to develop that section along the lines of the dedicated streets would have involved grades ranging between 25 and 43 per cent, and cuts as much as 92 feet deep. Potentially, the heights constituted one of the most desirable residential neighborhoods on the entire peninsula, since almost every lot had a panoramic view stretching on a clear day from the Farallone Islands twenty-five miles out in the Pacific on the west, to the Golden Gate on the north with Mt. Tamalpais in the background. Even if the city had been willing to assume the entire cost of grading the streets laid down in the dedication map, the resultant steep grades and deep cuts would have destroyed any potential values inherent in the site. Here, again, an unimaginative street plan had prepared a Gordian knot for city planners of a later day to unravel. The problems which the original subdividers had left for solution by others in the remote future had been precipitated into the immediate present by the newly created accessibility which was soon to be conferred on the subdivision by the street railway tunnels.

In both these cases, condemnation, if it could have been utilized effectively at all, would have involved prohibitive expense. Those charged with the duties of planning for the city's welfare were, therefore, restricted in their choice to two alternatives. They could sit back and do nothing, blind to the havoc in the city plan which would follow such inaction; or they could take the leadership in effectuating a voluntary replatting on the part of the owners themselves. The latter course was chosen. The costs, the methods employed, and the results which followed in each case are set forth below.

THE GOLDEN GATE HEIGHTS' PROJECT

The plan for the correction of the anomalous situation in Golden Gate Heights had been discussed for many years but had its practical inception in March, 1917—just a few months prior to the completion of the Twin Peaks street railway tunnel—when the first survey notes for a contour map of the section were completed by the city engineer's office. On the basis of these

notes, a relief model of the tract was made on a horizontal scale of 100 feet, and a vertical scale of 40 feet, to the inch. On this model both the existing gridiron streets and the proposed new contour streets were shown. The area affected by the proposed replatting contained approximately 115½ acres, included 29 of the old rectangular blocks, and involved 134 separate ownerships.

After the preliminary studies and exhibits had been completed by the city engineer's office, a series of conferences with property owners was undertaken. To reënforce the lessons conveyed by the relief model, the attention of owners who were doubtful of the wisdom of the change was called to the objectionable results in many of the older sections of the city where rectangular gridirons had been superimposed on high-rounded hills. Chief among the examples cited were Rincon Hill, near the eastern water front, and Russian Hill, east of Van Ness Avenue, where abrupt changes in street grades have destroyed the utility of potentially valuable business property. Fortunately, seven owners held practically 60 per cent of the property affected. This fact introduced an element of flexibility in the inevitable give and take between individual holders which was essential to the success of the project. After much study and many conferences, a plan to make transfers from the old lots to new ones was formulated at a property owners' meeting in 1921.

It was agreed that the details of the procedure should be handled by an established title company. Bids were asked for, the lowest being that of the California Pacific Title Insurance Company, which offered to report on the existing titles to all property, to act as agents for the individual owners, to act as trustee for the project as a whole, to pass on the validity of all necessary acts and proceedings, and to prepare such conveyances, reconveyances, agreements, mortgages, deeds of trust and releases as might be necessary. The aggregate fee for these services amounted to $5,350, or $5 for each individual lot contained in the original subdivision. Under the trust agreement, all of the owners with one exception voluntarily conveyed their holdings to the title company. In the case of the remaining owner, who positively refused to participate in the replatting, his property was acquired by the city under threat of a condemnation suit. Finally, in August 1923, a map for the resubdivision of Golden Gate Heights was filed, and the new contour streets were accepted. In the curved street plan, the impossible grades inherent in the original layout were replaced by maximum grades of 12 per cent, making every lot in the subdivision available for comfortable use.

The expenses of the engineering studies and of conducting the preliminary negotiations had, of course, been borne by the city at large. Leaving out of consideration the indirect benefits which always accrue to a city as a whole as a result of successful attempts to increase the utility of any part of its area, San Francisco also received direct and immediate returns for the expenditure incurred. The new street plan occupied a considerably smaller percentage of the total area than the old, the free surplus developed by the replatting amounting to approximately 3 per cent of the total area which was affected by the project. A part of this surplus was consumed in the compromises incident to the relocation of private holdings, but the residue, amounting altogether to 1.69 acres, was concentrated in the replatting on two outstanding eminences, which are now city parks. In addition to the parks acquired in this manner, the city also

converted the lands which it had acquired under threat of condemnation into a park containing 5.11 acres.

Since the acceptance of the new street plan, the 4½ miles of main streets have been graded and macadamized and the necessary retaining walls have been provided. Concrete steps on the twenty-two stairway streets have been completed. The entire cost of this work—approximately $450,000—has been borne by the benefited property owners. The sewer system, which is nearing completion, is being provided at the expense of the city. A street railway line four blocks north of the tract provides direct connection with the heart of the city through the Sunset tunnel. Within the limits imposed by an ordinance of the city planning commission, which restricts the use of the lots to single family residences, the future of the section is in the hands of the individual owners. From the character of the dwellings which have already been erected, it appears probable that this subdivision, utterly useless in its original form, is destined to become one of the city's finest home sites.

An Example of the Topography in Golden Gate Heights

Islais Creek Project

The Islais Creek project as a whole involved more than simply replatting. In order to escape certain provisions of the political code of the state which placed specific restrictions on the powers of the city and county of San Francisco with reference to the creation of reclamation districts, the Islais Creek Reclamation District was set up by special act of the legislature in 1925. The act itself designated three commissioners, established the boundaries of the district so as to include about 280 acres, and vested in the commissioners the powers requisite to planning and construction, and to financing by special assessment.

Plans have been adopted by the district for constructing seawalls and sewers, dredging a channel and turning basin, and raising the grade of the tidal lands and the streets serving them. The estimated costs—about $1,600,000—have been assessed against the lands in the district and confirmed by approval of the board of supervisors of San Francisco, district bonds are soon to be issued, and contracts for the work entered into.

It was essential, however, that Gift Map No. 4 be replatted before any other part of this work could be undertaken. The legislature conferred no powers on the district governing body in this respect beyond stating that it might obtain the right to fill the lands in private ownership or within the street lines, "by purchase, by agreement with the owners thereof, by condemnation or other legal means." Three factors, however, combined to pave the way for this necessary replatting: first, the district was required to obtain the consent of the city before filling any street to the established grade and before changing any such grade; second, the city engineer had been designated as one of the three commissioners in the original enactment; and the district engineering staff was composed of members of the city's engineering personnel. In short, the responsibility for this part of the work was shifted from the district to the same office which had just completed a similar project.

The experience which that office had gained in the voluntary replatting of Golden Gate Heights led to the adoption of the same basic method which had been employed there. A title company was employed to serve as trustee, the individual owners deposited their deeds in the hands of the trustee, the old streets were closed and new ones opened. Then the title was cleared, and deeds to the rearranged parcels protected by title insurance were delivered to the owners. Because of the reduction of street area as a result of the replatting from 18½ to 13½ per cent of the total area included in the gift map, ample room was found for the location within the tract boundaries of the excess lots which had been responsible for much of the trouble in the original layout.

Certain devices designed to speed up the work were employed in this project. In addition to the single proposition laid before the owners in the Golden Gate Heights' subdivision—that of allowing their property to be relocated—two additional choices were offered. Two of the larger owners offered to buy any one of the 594 lots included in the gift map at a flat price of $200. Any owner who thought this price too low was then given the right to buy at the same price of $200 per lot, as many more lots as he already owned, on condition that he then submit both his old and his new holdings for relocation. Only one owner took advantage of this last offer.

If any individual owner threatened to upset the success of the voluntary replatting, the threat of condemnation was resorted to. This could have been made effective only by the device of rerouting a proposed new street through the property of the recalcitrant owner. Fortunately for the success of the plan, condemnation proved unnecessary in any case. As a result of the offer on the part of two of the owners to buy, one thing of special importance in an industrial area was accomplished which was not achieved in the case of the residential subdivision previously described. The original 594 parcels, belonging to 63 owners when the project was initiated, were reduced to 41 parcels in 28 ownerships when the relocated titles were issued.

CONCLUSIONS

Does the successful application of the method in these two projects in San Francisco justify the conclusions that city planners generally can include voluntary replatting among the recognized tools of the profession? The answer is undoubtedly in the affirmative, but with several qualifying reservations.

In the first place, the method can be used successfully only in areas which are still entirely, or at least largely, undeveloped. In the second place, it is highly desirable, if not absolutely essential that one landowner, or a group working in close coöperation, shall control a large enough part of the total area involved to provide the elasticity necessary for the equitable relocation of all small holdings. Finally, some department of the city government must be in position to take the initiative in the long-drawn-out negotiations, and to provide the tact, the patience, the persistence, and the technical skill requisite to their successful consummation.

Given these conditions, there is no doubt that voluntary replatting can be employed with less expense and with greater fairness to all concerned than either limited condemnation or excess condemnation. Reënforced by the power to condemn the holdings of such obdurate and uncompromising individuals as will always be found in any large group, the method is undoubtedly an effective means for the removal of conditions growing out of past mistakes which today stand in the way of proper development in many of the outlying sections of our larger cities.

OHIO APPRAISES ITS REORGANIZED STATE GOVERNMENT

BY HARVEY WALKER
Ohio State University

In 1921 Ohio adopted the principle of administrative consolidation by reducing the number of separate state agencies from sixty-three to thirty-two. Now she surveys it to know what changes, if any, should be made. On the whole consolidation seems to be working satisfactorily. :: :: :: :: :: :: :: :: :: ::

THE Ohio General Assembly in 1927 felt that a sufficient length of time had elapsed since the adoption of the 1921 Administrative Code to warrant an appraisal of its accomplishments. Accordingly, an interim committee was named to conduct an investigation of the administrative offices of the state. An appropriation of twenty-five thousand dollars was made to defray the cost of the work.

Ohio's Democratic governor, Vic Donahey, vetoed the appropriation, probably because of his fear that a committee appointed by a Republican legislature would give little commendation to a Democratic administration. As the committee was about to abandon its task, the Ohio Chamber of Commerce offered to endorse the committee's note to secure the necessary funds from private sources. With this endorsement, the committee borrowed $17,500 to pay the cost of

making the investigation, feeling that the next general assembly would make the necessary appropriation.

When funds were assured, the committee employed Griffenhagen and Associates, Ltd., to conduct the investigation as the committee staff. This work was completed in September, 1928. The staff report to the committee was then revised in the light of suggestions from public and private sources and from the members of the committee, and prepared for publication.

As finally published, the report consists of seven small pamphlets, one on each major group of state activities, as follows: I. General Administration, II. Finance and Taxation, III. Agriculture, IV. Education, V. Public Welfare and Health, VI. Commerce and Industry, and VII. Public Works and Highways. Each pamphlet presents the factual material gathered by the staff, followed by the recommendations of the committee. Reports are presented on each agency of the state government and on many of the administrative problems encountered during the survey. The recommendations of the committee are set forth in four groups following each report: recommendations for administrative changes; recommendations for legislation; recommendations for the guidance of the appropriations committees; and recommendations for constitutional amendments.

RECOMMENDATIONS FOR STRUCTURAL CHANGES

The reorganization of 1921 reduced the number of separate administrative agencies of Ohio from sixty-three to thirty-two. Eight functional departments were set up: finance, commerce, highways and public works, agriculture, health, industrial relations, education, and public welfare. The remaining twenty-four agencies included the institutions of higher education, military department, civil service commission, etc. Amendments to the administrative code, passed in 1925 and 1927, separated the tax commission from the department of finance, the public utilities commission from the department of commerce, and the department of highways from the department of public works. These acts increased the number of separate agencies from thirty-two to thirty-five.

The report of the committee recommends the setting up of two new administrative departments: public safety and conservation. The department of public safety would be assigned the duties now performed by the prohibition commissioner, part of the duties of the state fire marshal, the registrar of motor vehicles and the department of highways, and would in general have powers and functions of a state police force. The department of conservation would take over the functions of the division of fish and game from the department of agriculture, and other conservation activities affecting natural resources.

Many bureaus and divisions are recommended for abolition. These include: the prohibition commissioner; the divisions of food and dairies, publicity, and crop and livestock estimates in the department of agriculture; the state library; the fire marshal; the commission for the blind; and the offices of director of commerce and director of industrial relations. With the exception of the legislative reference division, the state library would be consolidated with the library of Ohio State University. The duties of the state fire marshal would be transferred largely to the division of factory and building inspection of the department of industrial relations. The industrial commission would be made the head of

the department of industrial relations, acting through an executive secretary, and a board composed of the heads of the five bureaus of the department of commerce would act as the coördinating agency for that department, insofar as such coördination is found desirable.

Internal reorganization is recommended for the departments of education and public welfare. Under the administrative code these internal changes can be made by the director of the department without legislative action.

The committee recommends the substitution of boards for single heads in the departments of education, public welfare, health, and commerce. These boards are to be unpaid, with overlapping terms, with power to choose the director of the department. In the case of the department of commerce, the board would be ex officio, and there would be no director.

RECOMMENDATIONS ON PERSONNEL POLICY

The resolution under which the committee was appointed provided that "Such survey shall be made with the purpose of standardizing and consolidating positions and establishing schedules of compensation in conformity with the duties and responsibilities involved." Although the committee gathered data upon which a new classification and compensation plan could have been based, the limited time and resources prevented its utilization. These data have, however, been turned over by the committee to the civil service commission. The committee's report expressly enjoins upon the civil service commission a completion of this task. An appropriation to the commission for this service is also recommended.

Pending the adoption of a revised compensation plan, the committee has made several recommendations for salary increases for certain classes of employees which appear to be grossly underpaid. These include the guards at the penal institutions, some of the members of the institutional instructional staffs and certain technical employees.

The powers of the civil service commission extend to county as well as state offices. Up to the present time, however, the commission has been unable to perform its duties with respect to the counties, because of inadequate appropriations. The committee has recommended that the commission be empowered to charge against the counties the cost of such service.

The revision of the state civil service law and the rules of the commission are suggested. In connection with such a wholesale change, the committee recommends that the whole list of exemptions from the classified service be brought under review and materially reduced.

RECOMMENDATIONS ON FINANCE AND TAXATION

The state organization for financial control includes ten different administrative units. Of these three are identical in personnel: the board of control, the emergency board, and the sundry claims board. They are composed of the chairmen of the legislative finance committees; the governor, who is usually represented by the director of finance; the auditor of state; and the attorney-general. The committee recommends that these be consolidated into a single board of three, to be called the state board of finance, composed of the two finance committee chairmen, and the director of finance.

The function of investing some of the state's trust funds is imposed by law on the treasurer of state. The huge funds maintained by the teachers' retirement

board and the industrial commission are invested by those bodies. None of these agencies has an experienced investment officer. It was felt by the committee that this important investment function should be centralized. Accordingly it was recommended that it be combined with the functions of the present state board of deposits, which designates depository banks for state funds, in a new board to be called the state board of investment. The personnel of the board of deposits, which now includes the treasurer of state, the auditor of state and the attorney general, would be changed by dropping the auditor and attorney general and adding the director of finance and the superintendent of banks and banking.

Ever since the passage of the Administrative Code in 1921, there has been a confusion of function between the state auditor and the director of finance. The report of the committee points out that this can be avoided by a recognition of the difference between accounting and auditing. A transfer to the director of finance of all accounting functions, except those which must be kept by the state auditor to enable him to control appropriations, is recommended.

The powers of the director of finance under the Administrative Code are ample, but the possibilities of the office have never been developed. The committee's report points out numerous administrative changes which should be made in the conduct of this office, as well as in those of the subordinates of the director such as the budget commissioner and the superintendent of purchases. There has never been an intelligent revision of budget estimates. There has been no control of budget encumbrances. There is little or no coördination of expenditures with revenue. Several important departments are exempted from the jurisdiction of the purchasing division. These would all be corrected.

Fully one-third of Ohio's annual expenditures are made from blank appropriations of revenues. A recommendation is made that this practice be discontinued and that all fees be paid into the state treasury for the benefit of the general revenue fund, the legislature making appropriations for the total needs of the departments. Any excess revenue for a specific purpose under existing law would be made available for the use of the department only upon showing of necessity before the board of finance.

The change to a January 1 fiscal year was made in 1925, and the 1927 general assembly made appropriations for only an eighteen months' period. One of the principal recommendations of the committee affecting financial procedure is for the return to a fiscal year beginning July 1. The legislature which is now in session was confronted for the first time with the necessity of passing an emergency appropriation bill so that the wheels of the state might turn until the regular bill should be passed. Naturally no adequate consideration could be given to the measure, which carried a total appropriation of more than $20,000,000. If a change is made at this time, the bill for this session will carry appropriations for a two and one-half year period.

RECOMMENDATIONS ON DEPARTMENTAL ADMINISTRATION

Numerous recommendations for administrative changes in departmental operation are made in the report. In many cases possible reductions in personnel are pointed out. Several administrative problems, such as that of prison population, student fees, reducing expenses of training students, prison industries, and care of the insane

and feeble-minded are discussed in detail.

RECEPTION OF THE REPORT

Although the report of the committee has only come from the press during the last few weeks, vehement protests have been heard from the departments which have been recommended for abolition or reduction in personnel. The reaction of the members of the general assembly has, in general, been favorable, Most of them are reserving judgment until interested organizations have an opportunity to express themselves. The governor has been silent. The members of the committee, which include the speaker of the house and the chairmen of the finance committees of the two houses, have aroused sentiment in favor of many of the recommendations. It seems probable that a portion of the recommendations for legislation will be enacted into law during the present session.

The department heads have been very receptive to the suggestions for administrative changes. As a matter of fact, on the basis of the tentative draft of the report, when the department directors were called in for colsultation, several of them indicated that the recommended changes had been made or would be carried out before the report was published.

HIGH SPOTS OF GOVERNORS' MESSAGES

BY RALPH S. BOOTS
University of Pittsburgh

Thirty-nine state legislatures meet this year. Brief excerpts from the many pages of advice and exhortation measured out by the chief executives to the legislative bodies. :: :: :: :: :: ::

THESE executive papers, or "essays," as one newspaper somewhat disparagingly dubs the local governor's effort, are, in the main, not unfairly described as routine performances. Nothing sensational or original is proposed. "Although conscious of the fact that the message of a retiring governor is not expected to be seriously considered, yet I trust you will bear with me while I comply with the duty imposed upon me in directing your attention to several matters of interest and importance to the state." Although no governor used just these words, they are words which many governors might have used if they had been perfectly frank with their constituents.

Most governors deprecate "politics." Governor Gardiner of Maine is more honest: "Frankly, we are all politicians here, selected by the ordeal of primary law and the trial of election. There may be some with ambition for retention or advancement in office. In lieu of platitudes, suffice it to say that the best way to play politics is to do what is right."

In the field of taxation and finance, relief for real property is the burden of many messages. An income tax is recommended in Illinois, South Dakota, New Hampshire, West Virginia, Nebraska, and, for temporary use, in Michigan. In Idaho, intangibles, nonessentials, and automobiles are proposed as new sources of revenue; in South Dakota,

taxes on luxuries, amusements, occupations, sales; in Tennessee, taxes on malt beverages (it is reported malt syrup is to be taxed in Iowa, Nebraska, South Dakota), process syrups, amusements, bartering and selling as a gainful pursuit. The governor of Wyoming commends a half-mill intangibles tax to the lawmakers' attention, and Nebraska's executive proposes to tax intangibles at the average rates applied to farm property. "Reconstruction and reorganization of the whole system of government from top to bottom" is the suggestion for reducing taxes in North Dakota. Of course, the joker in the tax-reduction game is that when some are relieved, others must pay. The third study of taxation since 1921 is submitted noncommittally and rather hopelessly to the Oregon legislature.

HIGHWAYS

The most common proposal here is an increase in the gasoline tax, from which seem to come the "most feathers with the least squawk." The governors of Illinois, Indiana, Nebraska, North Carolina, Tennessee, Kansas, Minnesota, and Montana look hopefully to this source. In half a dozen states the Solons are urged to do something for "secondary," "farm to market," "farm to farm" roads. Governor Small of Illinois would extend hard roads to every city and village in Illinois, although his successor, Governor Emmerson, notes that only $6,000,000 of the $160,000,000 borrowed have been repaid. Protection of the highways from abuse receives attention in Iowa and Illinois; the licensing of operators in Delaware, Michigan, Nevada, Idaho, and Tennessee; reexamination of operators at intervals in Massachusetts (with an inspection of the car), Connecticut and Michigan. Pennsylvania and Iowa governors ask the state to take over bridges and city streets which constitute parts of state highways. There is an increasing tendency toward centralization of supervision, control, and construction. Only Delaware's governor has anything to say about the signboard: "Highway advertisement, a business which entirely derives its life and subsistence from the public's investment in motorized highways, should be subjected to state regulation."

STRUCTURE OF GOVERNMENT

Centralization of financial control or stricter central control is suggested in New Hampshire and Maryland (in both in part because of recent unfortunate experiences), Montana and Delaware; the consolidation of responsibility for revenue collection is stressed in West Virginia, Pennsylvania, and Utah. Governors Gore and Moody, of West Virginia and Texas, respectively, call for the short ballot; administrative reorganization is especially urged in Wisconsin and Texas, and favored in other states. Wisconsin and West Virginia executives wish the executive budget. Civil pensions are approved in California and Delaware, the merit system in Texas, Utah and Missouri (only partially in the last two); centralized purchasing in Delaware, Missouri, and Wisconsin.

COURTS, LAW ENFORCEMENT, AND PRISON ADMINISTRATION

For some reason, prohibition is specifically referred to in only five states, perhaps because it may be unloaded on the national government for a while, or perhaps because of recent contentiousness.

The Connecticut legislature is asked to repeal "statutory crimes which have become archaic." Governor Green of Michigan finds the most difficult of his duties is that of deciding questions of pardon and parole and Governor

Horton of Tennessee spends half his time in this work. Governors Caulfield of Missouri and Christianson of Minnesota point out how inadequate are their powers of enforcement, the latter declaring that there is no agency of state government, not a single investigator, upon whom he may call, even if he knows by whom the laws are being violated. Reform of criminal procedure is advocated in a few states, especially New York.

ELECTIONS

Some aspect of elections is touched upon in sixteen messages. One finds the circle completed in Illinois where the governor wishes constitutional amendments printed on the general ballot so that people will vote on them. Governor Leslie of Indiana would partially restore the convention, though retiring Governor Jackson sticks to the primary. Kansas voters should select directly delegates to national conventions and express a choice for the party candidates, thinks Governor Reed. Permanent registration is commended in Missouri and Ohio. The "inadequate, contradictory, and in part obsolete provisions" of New Jersey's election law should be rewritten, says Governor Larson. Improvements in corrupt practices legislation are favored in Nebraska, New York, Utah, and Wisconsin; the Massachusetts ballot in Utah; the Australian ballot and retention of the primary in North Carolina; better devices for determining contested elections in Missouri and Tennessee. Governor Bulow would simplify the South Dakota primary, Governor Johnston end the "organized forgery factories" in Oklahoma, and Governor Fisher throw safeguards around the ballot box in Pennsylvania.

EDUCATION

In Arkansas, Arizona, Michigan, Missouri, North Carolina, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin, governors are concerned over the inequality of educational opportunity and the unfairness of school tax burden as between urban and rural areas. Large school units are called for in several states, and a stricter accounting for school monies in others. Governor Bulow of South Dakota wishes the legislature to find out why it costs so much more to educate a student in the state institutions than in denominational colleges. He seems to cast a critical eye at university salaries.

LOCAL GOVERNMENT

Governor Young would concede greater home rule to California counties, or merge their governments with those of central cities; Governors Hamill of Iowa and Caulfield of Missouri would study plans for the reorganization of county governments; Governor Roosevelt of New York would overhaul county and township government as state government has been overhauled; Governor Allen of Massachusetts would assist municipalities toward more economical and business-like administration, through a central administrative agency; and Governor Christianson of Minnesota shows how local governments could reduce costs, by consolidation of counties, centralized county purchase of school supplies, co-operation of counties with townships in road machinery and engineering service, and the maintenance of budget systems.

PUBLIC UTILITIES

Power development and utility regulation receive little attention. Governor Roosevelt announces a determination to retain title to the sources and constant control of power generated. He places little confidence in regulation by public service commissions, and

asks: "Shall the state produce the current, shall the state build the distribution system, shall the state actually deliver the current?" Governor Reed of Kansas would use the whole force of his office to secure favorable rates and service for the shippers and consumers of his state. Both he and Governor Moody of Texas believe economies of production have reduced costs to utilities which should be passed along in lower charges. Governor Weaver of Nebraska urges the moral responsibility of the state for the deficit in the bank guarantee fund and pleads that its fame be kept unsullied.

The governors do not profess to be able to do much for the farmers, unless by the reduction of taxes. Iowa's executive makes large recommendations in the realm of national power, such as tariff and stabilization corporations.

An encouraging note in welfare work comes from Massachusetts: "In the field of prevention of mental disease this commonwealth has attacked the problem to a greater degree than any other and the results obtained warrant continuing this program vigorously. Already it is apparent that the state is reaping the benefits of this work. While the net increase in the number of patients under care in many states during the last year has more than doubled, that in Massachusetts has remained about the same." By itself, of course, this proves little or nothing.

In each of four states, 1,000 measures were passed at the last session of the legislatures; California was one, surpassed in legislative productivity only by North Carolina and Florida.

This is what Governor Richards thinks of the South Carolina legislature: "Annual sessions are not only demoralizing to the interests that are already established, but the uncertainty of our legislative policy is not encouraging to those from without who are seeking homes and investment."

RECENT BOOKS REVIEWED

URBAN SOCIOLOGY. By Nels Anderson and Eduard C. Lindeman. New York: Alfred A. Knopf, 1928. Pp. 414.

Oswald Spengler has said that "the city also, like the peasant's hut, has its roots in the soil." The truth of this statement must be granted both as to the substratum on which the city everywhere is builded, and as to the great hinterland from which it draws its sustenance, and continually replenishes its population. In view of this fact it is a happy combination which brings to the preparation of one of the first systematic treatises on "urban sociology," an author whose main emphasis for a number of years was in the field of rural social problems, to be associated with one whose major interest has all along been the study of the city.

For the past decade or two there has been a steadily growing amount of work on the city. A great deal of this contribution has come from one fountain source. For the past few years, the University of Chicago has put a large part of the resources of its Department of Sociology into an intensive study of the tremendous city in which it is located.

The volume under review concerns itself with four main queries: (a) What are the structural characteristics of the modern urban community? How does it appear as a social form? (b) What functions are performed by its inhabitants? In what sense are these activities sociologically significant? (c) In terms of social end-products, what sorts of personalities and groups characterize urban life, and in what sense are these social ends departures from the rural cultural pattern? (d) What forms of social control are evoked by the impact of the urban environment?

The volume undoubtedly merits the appreciation of those who have projected or planned organized courses in the field of urban sociology. It is set in a matrix of accepted current social theory. It sifts rather well the large amount of literature on urban communities, and therefore constitutes a comprehensive approach to a division of sociology, now just rising above the horizon. The topical arrangement and the projects and questions for discussion adapt the text to successful teaching. Moreover, in spite of the fact that the "general reader" is not catered to, the city manager and other urban officials who must give study to their problems and the thoughtful citizen will find the book interesting and profitable reading. It is easily the best volume on the subject in this country.

WILSON GEE.

University of Virginia.

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A GUIDE FOR PREPARING ANNUAL POLICE REPORTS (Tentative Draft). By the Committee on Uniform Crime Records of the International Association of Chiefs of Police, 261 Broadway, New York City, December, 1928. Pp. 24.

According to the foreword, this pamphlet is a by-product of the committee's work on the development of uniform crime records. Certainly no group is better qualified for such a task, and that there is a great need for such a guide is evident to anyone who has ever attempted to make an appraisal of police work from police statistics as they are now commonly reported.

The committee does not recommend complete uniformity in the preparation of the police report, but it does make clear that certain types of information are uniformly desirable. The guide divides the subject matter into two parts. The first part is devoted to subjects which are considered essential for any police report and recommends statements or tables covering the following seven features: introductory statement; strength and distribution of force; offenses known to the police; persons apprehended; lost, stolen, and recovered property; miscellaneous services; and buildings and equipment. Perhaps the most important feature is represented by the method for compiling "offenses known to the police." Persistent neglect of this subject in police reports has been one of the chief grounds of criticism in the past. This guide meets the issue squarely, and provides a means not only for reporting such fundamental sociological data, but also the manner in which the police have dealt with them.

Part two describes briefly several other fact-statements which would serve to make a more complete picture of police services, yet are not considered as coming within the sphere of minimum requirements. This part includes such items as: daily average strength of police force,

offenses by day and month, comparative rates for major offenses, and per cent cleared by arrest, etc.

This guide is well written and its use is made clear by explanations and sample tables of statistics. There exists no longer any excuse for unintelligible reports emanating from police departments.

C. E. Ridley.

February 5, 1929.

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The Government and Administration of Germany. By Frederick F. Blachly and Miriam E. Oatman. Baltimore: Johns Hopkins Press, 1928. Pp. xiv, 770.

Contemporary Municipal Government of Germany. By Bertram W. Maxwell. Baltimore: Warwick and York, 1928. Pp. 162.

Blachly and Oatman's *The Government and Administration of Germany*, published by the Institute for Government Research, is the first of a series of studies which have as their commendable purpose "to describe and evaluate the administrative systems of the chief countries of Europe." It is based both upon original source materials and upon the personal observations and interviews of the authors. The primary emphasis of the work is upon administration—central, state, and local—but necessary information relating to politics and the governmental system generally is not narrowly excluded.

After a short historical introduction, four chapters are devoted to the relations of the *Reich* and states; the *Reichstag* and *Reichsrat;* the president; and the cabinet. The exact departmental organization of the national administration is then described in detail. Of special interest to the student of finance are the eighty pages devoted to the public finance of the *Reich*. Chapter IX on state government and administration is largely a pioneer undertaking. Hitherto there have been almost no comparative studies, either in German or in English, of state governmental institutions. The chapter on local government and administration is also well done. Here, however, more space should have been allotted to such matters as the merits and shortcomings of the principal forms of city government, the struggles between counties, cities, and rural communes over annexations and boundary changes, and the important rôle of administrative committees in the actual work of administration. Other excellent chapters are those on public officers, the administration of justice, and administrative courts. Particular branches of administration such as police, education, public utilities, etc., are also considered. Appended to the volume is an English translation of the German constitution and a very elaborate critical bibliography of almost seventy pages.

The major criticism which the reviewer would make of this book is that, in setting forth at great length the law of administration, insufficient attention has been directed to the actual practice of administration. For example, in a number of places, the authors speak briefly of political parties, but they fail to bring out clearly the inner relationships between "politics" and administration. Has the "spoils system" tended to develop in post-war Germany? How much influence does the *Beamten* element exercise upon the organization, programs, and activities of the political parties? What is the rôle of the civil servant as member of the city council, state legislature, or *Reichstag?* These are questions affecting administration and should have been specifically answered.

Such criticisms, however, as the reviewer has made are of small consequence when the volume is considered as a whole. It is a fine piece of scholarship, clearly written, amply documented, and well proportioned. *The Government and Administration of Germany* is indeed a notable contribution to the literature of comparative administration.

Contemporary Municipal Government of Germany aims to cover no such broad field as Blachly and Oatman have done. This monograph presents a concise picture of German city government today and of the most important changes which have taken place since 1918. Among the topics discussed are the relation of the city to the state, the electorate and political parties, municipal legislative and executive organization, police, finance, and municipal enterprises, *ad hoc* bodies, the various leagues of municipalities and organizations of city officials, the governments of Hamburg, Bremen, and "Lubeck" (*sic*), and the proposed national municipal code, an English translation of which is printed as an appendix.

Professor Maxwell's study contains much valuable information and to some extent is based upon researches and observations made by the author while in Germany. On the other hand, the brevity of the book is its chief weakness. The twelve chapters average only about eleven pages each in length. Of municipal socialism,

the writer says (p. 91), "There is perhaps no field of activity where the city uses its power to such an extent as in the field of economic-commercial enterprises." Thereupon, the whole subject is discussed and dismissed in a chapter of two and one-half pages. In addition to a considerable number of typographical and other minor errors there are doubtful statements of fact. On page 30, it is erroneously stated that no national legislation on the subject of schools has been enacted. Having witnessed at first hand various German campaigns and elections, the reviewer dissents from the following propositions (p. 43): "Now, as before the Revolution, the municipal parties in Germany are far from being as well organized as the municipal parties in the United States. . . . There is nothing to remind one of the American system of campaigning."

In spite of these shortcomings, *Contemporary Municipal Government of Germany* is a very good summary and will be welcomed by students and teachers of comparative city government.

ROGER H. WELLS.

Bryn Mawr College.

FINANCIAL STATISTICS OF CITIES HAVING A POPULATION OF OVER 30,000: 1926. Department of Commerce, Bureau of the Census, 1928. Pp. 505.

This valuable document offers this year precisely the same classification of information as the 1925 volume. Three additional cities have been included, so that the total number of cities reported in the 1926 volume is 250. The new cities that have qualified are Miami and St. Petersburg, Florida, and Union City, New Jersey. Some slight changes in the cities comprising the several groups are also evident. Washington, D. C., and Milwaukee, for example, are now listed with the cities of Group I, making a total of 14 cities in this group with a population of 500,000 and over. The report for 1926 also presents for the first time financial date relating to the city and county of Honolulu, Hawaii.

The 250 cities with a population of over 30,000 contained in 1926 35.7 per cent of the entire population of the nation. Their revenue receipts totalled $2,738,961,362; the governmental-cost payments $3,052,645,496. Taxes supply 69.5 per cent of the total revenue receipts; special assessments, 7.5 per cent; fines, forfeits, and escheats, 0.7 per cent; subventions, etc., 4.9 per cent; highway privileges, rents, and interest, 4.6 per cent; earnings of general departments, 2.6 per cent; earnings of public service enterprises, 10.3 per cent. A comparison of the totals for the cities of the several groups reveals the following: the smaller cities depend slightly less on the general property taxes than the larger cities; the smaller cities derive a higher percentage of their revenue receipts from special assessments than the larger cities; the percentage of revenues derived from highway privileges, rents, and interests declines steadily as one goes from the larger to the smaller cities; finally in the smaller cities poll taxes and subventions and grants are of more consequence than in the larger cities. Per capita revenue receipts range from $80.14 for Group I cities to $47.80 for Group V cities (cities having a population between 30,000 and 50,000).

A study of the governmental-cost payments also shows a number of striking differences between the small and the large cities. For example, the per cent of governmental-cost payments represented by payments for interest increases from 8.0 per cent in Group V cities to 10.0 per cent in Group I cities. A study of the governmental-cost payments represented by payments for operation and maintenance of general departments shows that highways, education, and fire protection constitute a higher percentage of the total in the smaller cities than in the larger cities. The latter adjust this difference by showing higher percentages for police, sanitation, and charities, hospitals, and corrections. A study of the per capita governmental-cost payments generally shows an increase in the larger cities for all of the municipal functions.

MARTIN L. FAUST.

COMMUNITY HEALTH ORGANIZATION. Edited by Ira V. Hiscock. New York: American Public Health Association, 1927. Pp. 122.

The development of practical standards for public health administration has been one of the most notable of the many significant advances made in the science of public health during the past decade. Through the efforts of a committee of the American Public Health Association, appointed in 1920 with Professor C.-E. A. Winslow, Dr. P.H., as chairman, there has been prepared and put into successful operation an appraisal form for public health practice, and there have been evolved definite specifications for the

effective organization of community health departments.

In this small volume edited by Professor Hiscock, with the assistance of a group of distinguished sanitarians, there are offered three plans for the organization of community health work. These schemes are the result of numerous surveys of health departments, in many instances using the appraisal form, and of suggestions by various practicing sanitarians. The first plan is for a city of 100,000 population, the second for a city of 50,000, and the third for a county or district of 30,000 population. In each instance a complete working organization is outlined, with suggestions as to functions, and data as to costs. This is the kind of information that has long been needed by health officials, boards of health, mayors and municipal officials, and civic workers.

These projects are not set forth as rigid and inflexible principles for a local health program, but as a "trellis on which to train its growth." The ideal may be achieved gradually, and even if not entirely attained, progress toward it will do much to improve public health administration in this country, which is unquestionably now susceptible to considerable improvement.

It is worth noting that the most effective types of public health organization cost money—much more, in fact, than is now generally allotted to the important task of protecting and promoting the health of the people. For a city of 100,000 population the health budget should be not less than $1.97 per capita; for the community of 50,000 the sum of $1.72 is suggested; while $1.54 will suffice in a district of 30,000. Such expenditures constitute good civic investments, moreover, for economy in the prevention of disease is invariably false economy.

All persons who are concerned with municipal affairs will find this book a valuable one. It has been capably edited, and it is fairly well printed. It is one of the real contributions to public health progress.

James A. Tobey, Dr. P.H.

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Parks—A Manual of Municipal and County Parks. Edited by L. H. Weir under the auspices of the Playground and Recreation Association of America and the American Institute of Park Executives. New York: A. S. Barnes and Company, 1928. 2 vols., pp. 1036.

This manual is a comprehensive and much needed presentation of the administrative problems connected with the establishment and conduct of park systems. The material covered may be roughly divided into five major parts. First, the planning, designing and construction of park areas. Methods of park maintenance and management are covered in the second part. The third part includes detailed studies of special operating activities—horticulture, policing, lighting, and sanitation. The management of such specialized park units as zoölogical and botanical gardens and aquariums is treated in the fourth part and, finally, problems of publicity and the training of park executives.

There is an excellent chapter on office organization and management by Charles E. Doell, secretary of the Minneapolis board of park commissioners. Expert outside assistance was also secured from F. L. Mulford, horticulturist of the Bureau of Plant Industry of the United States Department of Agriculture, who prepared the chapter on the horticultural division.

The increasingly important problem of providing for and administrating recreation areas in the parks is given considerable attention. Proper emphasis is given to the fact that in many large cities, well known for their excellent park systems, existing provisions for children's playgrounds and athletic fields are inadequate. In the chapter on the designing of park and recreation areas there is a wealth of descriptive and illustrative material on specifications and layouts of areas devoted to games and sports. In the lengthy chapter on construction notes there is much valuable and usable information on the construction of tennis courts, bowling greens, ball diamonds, swimming pools, etc. Finally there is an entire chapter devoted to the recreational service division.

The chapter on park financing is almost entirely a discussion of the various kinds of revenues now applicable for current operating expenses and for capital outlays. There is no discussion here of budget procedure, methods of supervising park expenditures, or of purchasing. The pay-as-you-go policy for the financing of park acquisitions or the making of permanent improvements is rather briefly dismissed on the apparent ground that such procedure might result in the curtailment of the present, often inadequate, revenues for current operation and maintenance. The experience of the Minneapolis board of park commissioners in acquiring and improving its park properties by means of special assessments is given in some detail. Considerable

attention is paid to the use of fees and charges in paying both the current and capital costs of such specialized projects as golf and swimming. In view of the increasing importance of this source of revenue, however, the discussion is too noncommittal; something more specific as to the relative significance and the possible extent and nature of the applications of such revenues would have been valuable.

There are two other commendable chapters on the external and internal set-up and relationships of a park department. The comments on the relative merits of the set-ups of park departments under various forms of city government are not convincing, because of a lack of understanding of the essential features of such forms.

The manual gives evidence of much painstaking labor, is simply and clearly written and contains a vast amount of well selected and practical information.

RANDOLPH O. HUUS.
Western Reserve University.

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A Correction.—In the March REVIEW the publication of *City Growth Essentials*, by Stanley L. McMichael and Robert F. Bingham, was erroneously credited to E. P. Dutton & Co. It should have been the Stanley McMichael Publishing Co., 1222 Prospect Avenue, Cleveland, Ohio.

REPORTS AND PAMPHLETS RECEIVED

Shall the Limit on the City's Tax Rates Be Increased? By the Bureau of Governmental Research, Chamber of Commerce, Kansas City, Kansas, report No. 8, February 7, 1929. 25 pp. (mimeographed). A study made in connection with a bill, proposed by the city government, to increase the limits on the judgment fund tax levy and the tax levy for protection of life and property.

*

Corrupt Practices Legislation. By Helen M. Rocca, Department of Efficiency in Government, National League of Women Voters, December, 1928. 75 pp. A discussion of corrupt practices legislation, supplemented by a list of references, the federal corrupt practices act of 1925 and a table of state laws regulating campaign contributions and expenditures.

*

Report of County Government Advisory Commission, 1928 (North Carolina). 26 pp. A history of the movement to improve county government in North Carolina, a digest of the laws enacted at the 1927 legislative session, and the results of the application of these laws.

*

County Government. By Helen M. Rocca, Department of Efficiency in Government, National League of Women Voters, September, 1928. 44 pp. A summary of the main facts about county government with a two-page bibliography.

*

Administrative Reorganization in California. By W. W. Mather, 1929. 84 pp. Published by Board of Trustees of Chaffey Junior College, Ontario, California. A tentative plan for constitutional reorganization in California. A summary of the situation in California. Contains a good bibliography.

*

Second Annual Report of the Metropolitan Drainage Commission of Minneapolis and St. Paul. By the Minnesota State Board of Health in collaboration with the Minnesota Commission of Game and Fish and the Wisconsin State Board of Health, 1928. 395 pp. Discussion of sewage disposal problems in Minneapolis and St. Paul and contiguous areas. The volume contains also the report of the investigation of the pollution of the Mississippi River from Minneapolis to La Crosse, inclusive.

*

Report of the Salary Survey Commission to the Pennsylvania General Assembly, 1929. 102 pp. A report on the salaries and wages of employees in state legislative, executive and judicial divisions; counties; the three classes of cities; townships; and boroughs with certain recommendations.

A Report Which Gives the Cost of Natural Gas Services of Kansas Cities. By the League of Kansas Municipalities, 1928. 158 pp. Briefs of important court decisions affecting the granting of franchises and rate making, with conclusions and recommendations.

*

A Budgeted City Plan Should Reduce Taxes. An address by George B. Ford of the Technical Advisory Corporation of New York City, given before the American Academy of Political and Social Science at Philadelphia. An excellent summary of long-term financial programs in use in various cities.

*

The Tax System of Iowa. By John E. Brindley and Grace S. M. Zorbaugh, Extension Bulletin No. 150, Iowa State College of Agriculture, Ames, Iowa, 1929. 94 pp. Study requested by the Iowa legislature. A complete analysis of the system of taxation for that state with a chapter devoted to the tax situation in some European countries.

*

Public Utility Rates. League of Kansas Municipalities, January, 1928. 206 pp. Rates for electric light and power, gas, and water in 561 Kansas cities. A map is enclosed showing cities having transmission lines and municipal distribution systems, company generating plants and distribution systems, and company transmission lines and distribution systems.

*

Special Taxation for Motor Vehicles. By the Motor Vehicle Conference Committee, 1929. 35 pp. Mostly devoted to state taxes and fees on motor vehicle operation in table form.

*

The Tax Problem in Colorado. By Don C. Sowers, secretary, Bureau of Business and Government Research, Extension Division, University of Colorado, December, 1928. 104 pp. An excellent discussion of the problems involved in taxation in Colorado with special reference to a readjustment of the tax burden.

*

Ohio Highway Revenue Forecast. By Research Department of the Ohio Chamber of Commerce, February, 1929. 33 pp. Presents three important findings as a result of the investigation: (1) the present sources of revenue are adequate to finance the accepted highway program; (2) if the large expansion program advocated by the Ohio Good Roads Federation were to be adopted, it could be financed by an increase of one-half cent in a gasoline tax to be allocated to construction purposes, if a redistribution of funds were permitted allowing the transfer of funds from the maintenance and repairs fund to the construction fund; (3) that the proposals which have been made for an increase of one cent in the gasoline tax and an increase in registration fees are not necessary for the carrying out of the aforesaid expansion program.

*

Road Cost Accounting Systems. By the Research Department of the California Taxpayers' Association, December, 1928. 18 pp. plus tables. (Mimeographed.) A suggested system for keeping costs of roads and bridges. To be part of a more extensive report to be published at a later date.

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The Buffalo City Hospital. By the Buffalo Municipal Research Bureau, March, 1929. 124 pp. A survey made at the request of the finance committee of the city council and the managers of the hospital.

*

Hand Book of the Government of the Territory of Hawaii. By the Hawaii Bureau of Governmental Research, November, 1928. 136 pp. Compiled for the following purposes: (1) to supply the Bureau with the primary information it requires; (2) to provide government officials with a handbook containing information of other departments; (3) to give citizens information about their government.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, New York University

Establishment of Municipal Airports as a "Public Purpose".—The question as to whether the acquisition, ownership and operation of a municipal airport is a public purpose, within the purview of the general principles of constitutional law prohibiting the expenditure of public money, or the levying of taxes or the incurring of indebtedness for a private purpose, is obviously one of recent development.[1] However, notwithstanding this recency and any uncertainty that heretofore may have existed, there is now sufficient authority to warrant the conclusion that the answer is in the affirmative, for the courts which have had occasion to consider the question have, without exception, so held.[2] That this result is in accordance with the views of the various legislative bodies of this country, and hence of general public opinion as reflected therein, is evidenced not only by the many statutes expressly authorizing the expenditure of public funds or credit for the establishment of airport facilities by political subdivisions[3] or by the state itself,[4] but also by the numerous regulatory enactments tacitly recognizing the governmental or public nature of the functions involved.[5]

Apparently the first case in which the question under consideration was presented arose in Ohio.[6] The city of Cleveland had undertaken to issue bonds for the purpose of acquiring and improving land for use as an airport and it was contended, among other things, that this action was in violation of the state constitution in that it constituted a raising of money or loaning of

[1] This comment is confined strictly to a consideration of the topic stated and hence does not include the closely related question as to whether the acquisition or maintenance of an airport is such a purpose as may be constitutionally delegated to, or undertaken by, a municipality.

[2] See cases cited *infra* notes 6 et seq.

[3] Statutory authority for the ownership and operation of airport facilities by political subdivisions have been enacted in California (Stats. 1927, Ch. 267, p. 485, Title 12, Act 149); Illinois (L. 1927, pp. 297, 616); Indiana (Acts 1920, p. 160); Kansas (L. 1921, Ch. 264, §12); Kentucky (L. 1926, Ch. 107; L. 1928, Ch. 77, 78); Louisiana (L. 1928, Act No. 24, 225); Maryland (Acts 1927, Ch. 431); Michigan (Pub. Acts 1927, No. 182, 329); Minnesota (L. 1923, Ch. 34; L. 1927, Ch. 62); Montana (L. 1927, Ch. 20; Rev. Code §5039); Nebraska (L. 1921, p. 658; 1922 Comp. Stat. § 4607); New Jersey (L. 1928, Ch. 101, 181, 184); New York (L. 1928, Ch. 647, amending L. 1928, Ch. 169); Ohio (Gen. Code, 1926, §§ 3677, 3939); Oregon (L. 1925, p. 162, § 7091); Pennsylvania (L. 1923, No. 191, 192; L. 1925, No. 328; L. 1927, Act 494); Washington (L. 1925, Ch. 42); Wisconsin (L. 1921, Ch. 234; Stat. 1925, § 66.06; L. 1927, Ch. 248); Wyoming (L. 1927, Ch. 72); and according to the latest available information, original or additional statutes of similar import have been proposed or are now pending in Illinois (Senate Bill 74); Iowa (House Bill 311); Maryland (H. B. 322); Minnesota (S. B. 705, 708); New Jersey (H. B. 317); New York (S. B. 1, 2, 181); South Carolina (H. B. 780); South Dakota (H. B. 18 passed senate); Tennessee (S. B. 21, H. B. 37); Texas (S. B. 581); Vermont (H. B. 47, passed Feb. 2, 1928); Wisconsin (S. B. 237).

[4] Legislation of this nature is now pending in Illinois (H. B. 20); Massachusetts (H. B. 642).

[5] Regulatory legislation pertaining to aviation of the significance adverted to has been enacted by Congress [U. S. Air Commerce Act of 1926, Act of May 20, 1926, Ch. 344, 44 Stat. L. 568, 49 Mason's U. S. C. 1761 and the legislatures of the states of Arkansas (L. 1927, Act 17); California (Stats. 1921, Ch. 783); Colorado (Acts 1927, Ch. 64); Connecticut (Pub. Acts 1925, Ch. 249; L. 1927, Ch. 324); Delaware (L. 1923, Ch. 199); Florida (L. 1925, Ch. 11339); Georgia (L. 1927, p. 779); Idaho (L. 1925, Ch. 92); Indiana (Acts 1927, Ch. 43); Kansas (L. 1921, Ch. 264); Kentucky (L. 1926, Ch. 107); Maine (L. 1923, Ch. 220; amended by L. 1925, Ch. 185); Maryland (L. 1927, Ch. 637); Massachusetts (Acts 1922, Ch. 534, amending G. L. 90, §§ 35–43; Acts 1925, Ch. 189, amending G. L. 90, §§ 41, etc.); Michigan (Pub. Acts 1923, No. 224; Pub. Acts 1927, No. 138); Minnesota (L. 1921, Ch. 433; L. 1925, Ch. 406); Mississippi (L. 1928 [Act of April 26, 1928]); Nevada (L. 1923, Ch. 66); New Jersey (L. 1913, Ch. 50; L. 1921, Ch. 124; L. 1928, Ch. 63); New York (L. 1928, Ch. 233, 373, 408); North Dakota (L. 1923, Ch. 1); Ohio (Gen. Code 1926, § 1392, par. 3); Oregon (L. 1923, Ch. 186); Pennsylvania (L. 1927, Act 250); South Dakota (L. 1925, Ch. 6); Tennessee (L. 1923, Ch. 30); Texas (See Gen. L. 1919, Ch. 9); Utah (L. 1923, Ch. 24); Vermont (L. 1923, No. 155); Virginia (L. 1928, Title 33A, Ch. 146A); Wisconsin (L. 1925, Ch. 35); Wyoming (L. 1927, Ch. 72); and the territory of Hawaii (L. 1923, Ch. 109; Rev. L. 1925, §§ 3891–3905); and, according to latest available information, statutes of similar import have been proposed or are now pending in California (S. B. 416); Massachusetts (H. B. 248); Minnesota (March 1, 1929, S. B. 688, 705), Minnesota (H. B. 767, 768, March 6, 1929); New York (S. B. 120, 240, 1062, February 28, 1929); South Dakota (H. B. 19); Texas (S. B. 581).

[6] *State ex rel. Hile* v. *City of Cleveland*, 26 Ohio App. 158, 160 N. E. 241, decided April 19, 1927.

credit to or in aid of a corporation or company.[1] The court, in summarily dismissing the contention, declared that if an aircraft landing field was not a public utility within the meaning of the constitutional provision conferring authority upon municipalities to acquire, construct, own, lease and operate, any public utility for the benefit of its inhabitants,[2] any doubt as to the validity of the undertaking in question was removed by the enactment of the statute[3] conferring express authority upon municipalities to do the things contemplated by the ordinance of the city of Cleveland, "which authority to confer such power the Legislature no doubt has unless prohibited by some provisions of the Constitution, which prohibition we are unable to find."[4]

The next case, which has been previously noted in this REVIEW,[5] arose in Kansas,[6] but the question was presented in a somewhat different situation. The board of park commissioners of the city of Wichita desired to acquire certain land lying outside of the city limits to be used for park purposes and, incidentally, as an airport or landing field for airplanes, and it was contended by the city that the acquisition of the property by the park board for the purposes set out was not authorized under the statute conferring the power on the board of park commissioners to acquire land deemed necessary for public parks outside of the corporate limits of the city.[7] The court held, however, that park purposes may properly include a landing field for airplanes and that while the provisions of the statute authorizing any city in the state to acquire and maintain a municipal field for aviation purposes and pay the expense of such acquisition or maintenance out of the general funds of the city[8] were not sufficient to authorize the acquisition of the land in question as it was situated beyond the corporate limits of the city, they were sufficient to enable the governing body of the city to maintain such an airport out of general funds, the park, including the airport, having been validly secured under the statute providing for public parks.[9]

In *Doughty* v. *Mayor and City Council of Baltimore*,[10] the city, under authority of a special act[11] and upon approval at a popular election by the voters of the city as therein provided,[12] issued bonds for the purpose of acquiring land and improvements for establishing an airport. The question as to the public nature of the function undertaken was apparently not raised or directly considered, but the court, in rejecting contentions going to the validity of the procedure in authorizing and issuing the airport bonds, held that it would give effect to the popular will when to do so "violates no constitutional or statutory provision."

The next case, which has also been previously noted in this REVIEW,[13] was *State ex rel. City of Lincoln* v. *Johnson*.[14] The question directly involved in this litigation was whether the procedure for the electoral authorization of the airport bonds authorized by statute[15] was to be governed by the provision of the general act or by that of the Lincoln Home Rule Charter. The court, however, in sustaining the latter contention expressly stated: "An equipped aviation field in or near the city is a means of making aerial service available to passengers. The service includes the transportation of mail and freight. The field is furnished for a public purpose for which taxes may be imposed in the exercise of governmental power."[16]

While the cases considered above bear more or less directly upon the question under discussion and may be considered as authorities for the view that the establishment of an aircraft landing field is a public purpose, the first court which appears to have had the question so directly presented before it as to require an extensive consideration was the Supreme Court of Missouri in the cases of *Dysart* v. *City of St. Louis*[17] and *Ennis* v. *Kansas City*,[18] both decided the same day.[19]

The litigation in *Dysart* v. *City of St. Louis*, as in the case of *Ennis* v. *Kansas City*,[20] and in

[1] Ohio Const. Act. VIII, § 6.
[2] Ohio Const. Act. XVIII, § 4.
[3] Ohio Gen. Code [1926], § 3677, par. 15; § 3939, par. 29.
[4] *Supra* Note 6.
[5] Vol. XVII, No. 4, p. 238, April, 1928.
[6] *City of Wichita* v. *Clapp* (*Kans.*), 263 Pac. 12, decided Jan. 7, 1928.
[7] Kans. Laws 1927, Chapter 117.
[8] Kans. Laws 1921, Chapter 264, § 12; R. S. 3-110.
[9] See *supra* Note 13.
[10] (Md.) 141 Atl. 499, decided April 11, 1928.
[11] Md. Acts 1927, c. 431.
[12] *Ibid.* § 1.
[13] Vol. XVII, No. 10, p. 604, October, 1928.
[14] (Nebr.) 220 N. W. 273, decided June 27, 1928.
[15] Nebr. L. 1921, p. 658; Comp. Stat. [1922], § 4607.
[16] 220 N. W. at page 274.
[17] (Mo.) 11 S. W. (2d) 1045.
[18] (Mo.) 11 S. W. (2d) 1054.
[19] December 6, 1928.
[20] This case was argued and submitted with the Dysart case and as the facts and questions raised in the two cases were parallel the decision in the Dysart case is

most of the other cases herein discussed, involved the validity of municipal bonds proposed to be issued by the city of St. Louis for the purpose of establishing a city airport. In the language of the court:[1]

"The first question presented by the record is whether the proposed indebtedness of $2,000,000 is to be incurred for a public purpose. The Constitution of this State provides that 'taxes may be levied and collected for public purposes only.' (Sec. 3, Art. X, Constitution.) This provision embodies a well-settled principle of constitutional law. Even in jurisdictions whose constitutions contain no such limitation on the taxing power, it is universally agreed that an attempt to raise money by taxation for private purposes is unconstitutional; that it is a taking of property without due process of law; that it violates fundamental principles inherent in free government."

In support of the contention that the establishment of an airport was not a purpose for which taxes could be levied the following expressive language was used:

"'It [the airport] will afford a starting and landing place for a few wealthy, ultra-reckless persons, who own planes and who are engaged in private pleasure flying. They may pay somewhat for the privilege. It will afford a starting and landing place for pleasure tourists from other cities, alighting in St. Louis while flitting here and yon. It will offer a passenger station for the very few persons who are able to afford, and who desire to experience, the thrill of a novel and expensive mode of luxurious transportation.

"'The number of persons using the airport will be about equal to the total number of persons who engage in big-game hunting, trips to the African wilderness, and voyages of North Pole exploration. . . .

"'In the very nature of things, the vast majority of the inhabitants of the city, a 99 per cent majority, cannot now and never can, reap any benefit from the existence of an airport.

"'True it may be permitted to the ordinary common garden variety of citizen to enter the airport free of charge, so that he may press his face against some restricting barrier, and sunburn his throat gazing at his more fortunate compatriots as they sportingly navigate the empyrean blue.

"'But beyond that, beyond the right to hungrily look on, the ordinary citizen gets no benefit from the taxes he is forced to pay.'"

The court, however, in rejecting this argument said that while it was unquestionably true that the airplane is not in general use as a means of travel or transportation, either in the city of St. Louis or elsewhere yet, in view of the tremendous activity and progress in this field as described in the opinion of *City of Wichita* v. *Clapp*,[2] there is small doubt but that within a comparatively few years the use of the airplane will be as general as that of the railroad and motor vehicle.

The second contention against the validity of the acts of the city in attempting to establish the airport is so well disposed of by the court that this portion of the opinion may be well set out in full:

"As a further reason for his insistence that an airport is not a public purpose for which the city of St. Louis may incur an indebtedness, appellant urges that the exercise of no governmental function or corporate act is required, but that on the contrary an airport can be better provided through private initiative and by private capital. This contention is based on the holding in *State* v. *Orear*, *supra*,[3] that the business of making and selling ice is not a public purpose. There is, however, no analogy between the manufacture and sale of ice and the acquisition and maintenance of an airport. The latter is a necessary instrumentality in a new method or system of transportation which requires public aid for its development and final establishment. The situation with respect to it is very like that which existed with reference to the building of railroads in this country something like three-quarters of a century ago. At that time the people of many of the different cities and towns were so desirous of having the benefits of railroad connection that they sought and secured authority from the Legislature of their state to aid the railroads with municipal funds, either as a loan or as a direct gift, or by subscription to the stock, or by guaranteeing the bonds or other indebtedness of the railroad companies. The question then arose whether a municipal corporation could be authorized to expend in this manner funds raised by taxation. Though at the beginning there were some dissents, it finally became established by the courts that the expenditure of public funds in behalf of a railroad is an expenditure of public funds for a public use. The decisions for the most part were put on the broad ground that the increased prosperity of a community which might be expected to result from the new means of travel and transportation made the purpose a public one. And so we say with respect to the expenditure of public funds for an airport."

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determinative of all questions involved in this case except the question of charter power, the language of the two charters with reference to the powers conferred being somewhat different.

[1] The opinion of the court was rendered by Mr. Chief Justice White, but most of that part of the opinion which is pertinent to the question under consideration was incorporated therein by quotation from an unreported opinion written by Judge Ragland on a former hearing of the case.

[2] See *supra* Note 12.

[3] 277 Mo. 303, 210 S. W. 392.

At about the same time that the Supreme Court of Missouri was rendering this well-considered opinion the Court of Appeals of New York was deliberating upon the same question.[1] The city of Utica, under statutory authority,[2] had contracted to buy land to be used as an airport and was about to issue its bonds to pay the purchase price when the acts of the city were challenged on constitutional grounds. The court in a very brief opinion summarily held the purpose was a public one and declared that:

"Aviation is today an established method of transportation. The future, even the near future will make it still more general. The city that is without the foresight to build the ports for the new traffic may soon be left behind in the race of competition. Chalcedon was called the city of the blind, because its founders rejected the nobler site of Byzantium lying at their feet. The need for vision of the future in the governance of cities has not lessened with the years. The dweller within the gates, even more than the stranger from afar, will pay the price of blindness."

The most recent utterance on the question under consideration was by the Supreme Court of Oregon.[3] The action was a suit to enjoin the city of Roseburg from issuing bonds under statutory authority[4] for the purpose of establishing an airport near the city, and the right of the city to construct and maintain an airport at the expense of the taxpayers was challenged. The court, in denying that the purpose of establishing and maintaining an airport is private rather than public, so aptly summarizes the law as declared by the courts that it may well serve to conclude this review of the authorities:

"What is a public use is not capable of an absolute definition. A public use changes with changing conditions of society, new appliances in the sciences and other changes brought about by increased population and modes of transportation and communication. We cannot close our eyes to the great growth in the use of flying machines during the past decade. This growth has been especially noticeable during the last two or three years. We must take notice that a large quantity of mail is being daily transported into the various parts of the country. Express-age and even freight is being transported by aeroplane in large and rapidly increasing quantities. Transportation by air appears to be increasing so rapidly that we may confidently expect that soon a large portion of the mail and express will be transported by aeroplane. An airport owned by the city open to the use of all aeroplanes is for the benefit of the city as a community, and not of any particular individuals therein. It is therefore a public enterprise. Aeroplanes travel the 'trackless air.' The only way an aeroplane company could acquire a monopoly would be through monopolizing the airport. It would seem, therefore, that airports may be properly owned and controlled by a municipality or other public corporation. Such has been the holding of all the courts passing upon the question directly."

HARRY J. FREEMAN.

[1] *Hesse* v. *Rath* (*N. Y.*), 164 N. E. 342, decided Dec. 7, 1928.

[2] N. Y. L. 1928, Ch. 647, amending L. 1928, Ch. 169.

[3] *McClintock* v. *City of Roseburg* (*Ore.*), 273 Pac. 331, decided Jan. 8, 1929.

[4] Oregon L. 1925, p. 162, § 7091.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
Director, American Public Utilities Bureau

Brooklyn Union Rates Rejected.—On February 15, 1929, the New York Public Service Commission rejected the schedule of rates filed by the Brooklyn Union Gas Company on April 15, 1928, and suspended during the period of inquiry. The new schedule represented a radical departure from the old, flat rates, which have been generally the prevailing form of gas rates, not only in New York City, but elsewhere. For domestic consumers it fixed the sum of 95 cents for the first 200 cu. ft. of gas, or less, per month per meter, and then 9 cents per 100 cu. ft. for all gas beyond 200 cu. ft. per month. The old rate was $1.15 per M cu. ft., or 11½ cents per 100, with no "initial charge" to cover the cost of service, in addition to the gas delivered.

The new schedule was vigorously opposed by the city of New York and the Gas Consumers' League, organized by the smaller consumers. The company has about 700,000 customers, of whom about 75 per cent would have been subjected to an increase in rates, while 25 per cent would have received a reduction; the amount of the increase as well as the reduction would have depended upon the quantity used. The company presented detailed cost studies to support not only the principle of the "initial charge," but also the particular amount of 95 cents per month per meter. It presented a classification of the various costs involved, and made an allocation between the so-called "consumer" and "commodity" costs. It attempted to show that the mere cost of furnishing service, without regard to the delivery of any gas, exceeded a dollar a month per meter, and claimed that the smaller consumers, under about 3000 cu. ft., per month, were carried at a loss at the old flat rate. It claimed that the initial charge of 95 cents is necessary to protect the company against such losses and to distribute the costs more equitably between all classes. It contended that the new schedule would result in greater consumption of gas by all users, that it would create new uses for gas, and would thus result in a reduction in average rates.

The city and the Gas Consumers League, in opposing the new schedule, maintained that it was illegal in form, but even if it were not illegal in form, that it would place an unjust burden upon the mass of smaller consumers. The New York Public Service Commission law prohibits outright the exaction of a "service charge"; it requires that the rates for gas shall be reasonable and shall be based upon the amount of gas supplied, and that there shall be no additional charge for service. It permits, however, the variation of rates according to quantity of gas sold, time of use, purpose of use, and other considerations which are properly taken into account in fixing a reasonable rate schedule. Both the city and the League contended that the so-called "initial charge" in reality would be a "service charge." While the 95 cents a month permitted the use of 200 cu. ft., the amount was principally predicated, not upon the cost of gas supplied, but upon the cost of furnishing "service,"—meter reading, accounting, billing, collecting, etc. The company's cost analysis was based upon allocation between the cost of gas and cost of service, and was presented as evidence to support the 95 cents charge. While this was offered as the rate for the first 200 cu. ft. or less, and thus nominally appeared as the first step in the system of block rates, it was in reality a service charge, for it included only a small part for the cost of gas, and much the greater part for the cost of service. The opponents, therefore, contended that it would be an evasion of the law against a service charge, and should be rejected as illegal.

Apart from the question of legality of the form of the rate, the city and League contended that the amount of the initial charge was excessive and would place undue burdens upon the mass of smaller and poorer consumers. They showed that the company's allocation included in the initial charge not only actual consumer costs, but also other costs which, in any case, should be borne by the charge for gas. The point of disagreement between them and the company was as to the kind and extent of costs that are properly included in a service charge. The company included not only the direct consumer costs, such as meter reading, billing,

collecting and other items immediately attributable to the fact that the consumer is connected with the service and his account is on the books, but also a large proportion of the distribution costs, general expenses and overheads. The city and League maintained that only the first group of immediate out-of-pocket costs due to consumer accounts should be included in a service charge, and that all other costs should be borne in the flat rate. They limited the contention, however, to the domestic rates, and did not apply it to special services, such as house heating and industrial uses.

The commission's rejection was accompanied merely by the statement that the company had failed to furnish sufficient proof to justify the new schedule. The vote of the commission was three to two. Chairman Prendergast and Commissioner Van Namee prepared a minority opinion setting forth their reasons why they believed that the new schedule would be a more just rate than the old, and that the company should be permitted to experiment at least a year with the new rates. The decision did not meet directly the point urged by the city and the League, that the schedule was illegal in form. It does, however, indicate that the majority believes that many of the costs which the company would include among consumer costs, should be borne by the rate charged for gas.

The commission still has before it for consideration a similar schedule of the Brooklyn Borough Gas Company. This schedule also has been strenuously opposed by the city and the Gas Consumers' League. The form of the rates, the method of proof, the basis of allocation employed by the company, are throughout essentially the same as in the Brooklyn Union case. The only point of difference is that the Brooklyn Union schedule was officially suspended by the commission, and never went into effect, while the Brooklyn Borough rates were allowed to go into force before the investigation was started.

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Hearings on Uniformity of Rate Structures.—As stated in this department last month, the New York Public Service Commission has instituted hearings relative to gas and electric rates throughout the state, with the purpose of collecting facts, experience and opinions as to desirable changes in the form of rates, to show particularly in what respects greater uniformity and more scientific provisions may be established. Up to the time of writing, the hearings have been limited to gas companies, and the only testimony received has been presented by the companies.

The proceedings have been informal, and wide latitude has been given for the presentation of data. While many phases of gas rates and service have been discussed, the companies have almost uniformly presented facts and opinions with respect to the need of providing a "service charge," or "initial charge," or a part of a rate which would fix an amount to cover consumer costs, independent of the quantity of gas used. They are in full agreement, so far as the record shows, that the prevailing flat rate requires them to carry a large proportion of the consumers at a loss, which must be made up by the larger users. They contend that the old form of rate is unjust to the larger consumers, and prevents the greater utilization of gas which would be attainable if all consumers were compelled to pay their due proportion of the cost of service determined independent of the amount of gas used.

Thus far the objective of the proceedings has been to establish the necessity or reasonableness of a service charge or its equivalent as a regular part of a system of rates. The testimony was limited as to the form of such a rate, without regard to the amount. If the commission should conclude that a service charge or its equivalent is desirable, it presumably will present the facts to the legislature with the recommendation that the present prohibition of a service charge shall be removed.

It is, of course, no secret that the gas companies in New York state, and throughout the country, are moving by concerted action not only for the principle of a service charge, but for an amount which, in the great majority of cases, is not less than one dollar a month per customer. The companies, to be sure, were invited by the commission to present their experience with gas rates and to offer their ideas as to what constitutes a desirable rate structure. They complied properly with the request, but, with singular unanimity, they have been concerned with only the one objective,—the establishment of a service charge or its equivalent in a rate structure.

If there is another side that should be thoroughly presented for the purpose of establishing sound public policy, it is sadly neglected. While the institution of a service charge of about a

dollar in most cases imposes higher rates upon 60 to 75 per cent of the total consumers, there has been no general consumer representation at the hearings. With the sole exception of the city of New York and the Gas Consumers League referred to in the preceding article, there was only perfunctory cross-examination of company witnesses, and the numerous self-serving declarations of company representatives stand virtually unchallenged in the record to be considered by the commission, and presumably to be reported to the Legislature for the amendment of the law. The private interests, as usually in public utility cases, are well organized to present effectively what they desire. The public interests, as almost always, are greatly divided and disorganized. Why are not all the cities of the state in active appearance in these hearings, which so directly involve the interests of the mass of consumers?

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Chairman Prendergast Corrects Our Statement of Objective.—In our comments upon the New York hearings on rate schedules last month, we assumed that the inquiry would extend to general rate levels and would include the relation of rates fixed for various groups. We pointed out especially the need of considering the basis of the "spread" or "differential" between domestic and power rates in the electric field. Our view as to the scope of the investigation seems to have been unwarranted, and we regret if we have misled readers as to the purpose of the hearings. Chairman William A. Prendergast has sent us the following communication under date of March 11, 1929, to clear up the matter:

Dear Doctor Bauer:

In the Division of Public Utilities of the National Municipal Review for this month, you have some comments on what you entitle "State Rate Investigation in New York." You refer to the hearing of January 15th which you say was for the purpose of investigating the gas and electric rates throughout the State. You further state, "The purpose is not only to determine whether, in general, rates are excessive or inadequate, but more particularly to find whether the rate schedules or structures are properly adjusted to present-day conditions."

I regret that you have misconceived the purpose of Case No. 5259 and can now understand the attitude you took upon this subject at the hearing in Albany last Wednesday. It was distinctly stated at the hearing of January 15th that it was not proposed to investigate rates. If you will refer to the minutes you will find that Mr. Rogerson of Jamestown asked me a question on this point and my answer was specific to the effect that we were not going to investigate rates, we did propose to investigate the form of schedules.

I am sorry that you should have misunderstood the purpose of the inquiry, especially as I know that the Division of Public Utilities of the National Municipal Review is followed with much interest and people who read what you have said on the subject to which I have referred, will, of course, be under an entirely wrong impression.

Very truly yours,
WM. A. PRENDERGAST.

We understood clearly from the outset, that specific rates for individual companies would not be considered, and that the form of the rates would be the principal subject matter. But we did assume that such an inquiry would include the normal relations of different classes of rates and standards of adjustments to bring rate structures in harmony with present-day conditions. We have had occasion to study the record quite carefully to date, and can find only the single clear objective as to change in form—the establishment of a service charge or its equivalent. While, of course, this is an important matter for determination, we hope that it will not be the sole subject of form to be considered, and that the basis of properly differentiating rates between groups of consumers will become a significant part of the inquiry. While the distinction is sharply drawn between "form" and "amounts," we are inclined to believe that the form has significance only because of the amounts involved. We hardly see how a strictly limited survey can produce very valuable results without regard to amounts represented in the rate schedules.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Director, School of Citizenship and Public Affairs, Syracuse University

Reflections on Administration.—In a paper read before the Institute of Public Administration at Birmingham, T. H. Garland makes some fruitful observations concerning public administration. He cannot recall ever having met any person who doubted that he possessed the knowledge and therefore the wisdom and good sense necessary for an administrative position.

The question is raised as to whether public administration is a science or an art. Those extremists who look upon it as a science are likely to be converted into efficiency engineers who are prone to reduce the human elements involved in the conduct of public office to a minimum, if not to eliminate them altogether. At the other end of the scale is the psychologist who, in accepting the fact that all human factors are variable, is inclined to give the individual unrestricted free play in carrying on his functions. The author doubts the soundness of both of these extreme positions.

Mr. Garland believes that there is a certain amount of administrative technique which is capable of universal application and acquisition, but that the final and higher expression of the skill of the administrator is personal, like the expression of art. It is on the basis of personal leadership finally that goodwill, an essential in all undertakings whether large or small, is to be attained. Without it no administration may rise above the level of mediocrity. With it there will be opportunity for the free play and exercise of those personal qualities which distinguish creative art from scientific formulae.—*Public Administration*, January, 1929.

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Polish Congress of Administrative Sciences.—Under the inspiration of the third international Congress of Administrative Sciences held at Paris in 1927, the Polish representatives at the Paris Conference have taken steps working toward the organization of a national Polish Congress which is scheduled for June, 1929, at the city of Pozna. The purpose of the Congress is to contribute to the development of the administrative sciences and to a more practical utilization of their achievements. The coöperation of leading jurists, professors, and practitioners has been enlisted.

The committee on organization is agreed that the presidency of the first Congress shall be assigned to the acting head of the committee who is at the present time the President of the Administrative Court of Poland.—*Revue Internationale des Sciences Administratives*, No. 1, 1929.

✠

French Congress of Mayors.—The nineteenth annual congress of the National Association of Mayors of France took place in the month of December in Paris. The assembly constituted itself into five commissions and studied a series of important problems, among which are the following: Classification of roads, rights and obligations of the commune, police, communal finance, the relations of the commune and the concessionaries controlling electricity, unemployment, subsidizing construction by the commune for the purpose of providing employment, concessions of land for cemeteries, hospitalization for accident cases, municipal tax on dogs, etc.—*Revue Municipale*, January, 1929.

✠

Modern Technique of Crime Detection.—In a comprehensive article Director Hoppe of the government of Charlottenburg outlines a program for the future development of the technique of crime detection in Germany. Methods of organization and operation and the use of specialists and highly technical apparatus are described and in some cases discussed in detail.

Attention is called to the development of modern methods of identification, including the registration of finger prints in a central bureau, the collection of photographs of habitual criminals as well as records of their customary *modus operandi;* the preparation of complicated scientific films and other apparatus. In special albums the birthmarks and other bodily peculiarities, samples of handwriting, lists of types of

burglary, police reports, etc., are classified according to the individual criminals. In addition, such aids for apprehending criminals as the following should be made readily available: time tables, maps of individual cities, card catalogues of the addresses of various officials, formulae of telegrams, and addressed envelopes. The latter would facilitate action in enlisting the coöperation of the police agencies in other cities.

Much stress is laid upon the necessity of the division of labor so that the coöperation of specialists of all sorts may be readily enlisted.

Thirdly, attention is called to the use of psychological technicians, not alone as aids in the discovery of criminals, but also in determining the value of evidence, confessions and the like. They should also give systematic training and instruction to police officials. Through their coöperation, attention is paid to the psychological peculiarities of criminals, their emotional characteristics, and their motives for committing specific misdeeds.

Other scientists are being called in more and more as aids in the detection of crime. Among these the following are listed—medical men, chemists, psychiatrists, and criminologists. Special value is attached to the presence of a physician and a chemist at the place of the crime, so that they may determine the time and cause of the death and utilize to the fullest extent the "dumb witnesses" of the deed. In addition to these professional technicians certain other experts may be summoned to advantage, as, for instance, those who have specialized in the construction of safes, in the peculiarities of firearms, handwriting, the character of various materials in manufacturing and handicraft.

In view of the rapid expansion of knowledge along these lines it is recommended that extension courses be offered from time to time, in which not alone experienced crime specialists, but also distinguished scholars and scientists should give lectures concerning present problems and the results of recent investigations and inventions that have bearing upon crime detection.

Evidences of the advances that may be made by means of such contacts are the following: adoption of an apparatus for recording finger prints, the use of ultra-violet rays for illuminating materials and objects, the transmission of photographs, drawings, handwriting, and finger prints by telegraphy.

To round out the program it is also urged that comprehensive crime statistics should be better organized, that the criminal police should be more successfully dovetailed with the rest of the police administration, that better relationships should be established between the criminal police and the public, the press, detective institutes and other private companies engaged in guarding property.

Finally, the policy has been adopted at certain places of educating the public so that it may be safeguarded against danger of burglary or attack by the adoption of various electrical and other devices. Officials who are properly equipped with special information concerning safety devices are now made available for giving the public technical information along this line.

In conclusion, reference is made to the importance of developing in a systematic way a close coöperation of police administrations in the various states of Europe. The slogan for such a movement was sounded in 1922 at a conference held in Vienna. The police president of this city pointed out the impossibility of coping with those criminals who travel from country to country, unless there be an organization which to all practical intents and purposes ignores political boundaries. Since that time considerable progress has been made among the police authorities in this direction.—*Preussisches Verwaltungsblatt*, December 15, 1928.

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Better Utilization of Firemen.—Many experiments have been tried in the utilization of the free time of firemen. In a recent article the head of the fire department of Karlsruhe analyzed this matter in a systematic way for a medium-sized city. He makes several suggestions that will be of interest to those who have given consideration to the possibility of using idle firemen in various municipal functions. In his opinion it is poor economy to attempt to employ firemen in the cleaning of streets, the hauling of refuse and such activities as require the employment of a full-time worker. Those who have experimented with this type of occupation appreciate the difficulty of insuring the prompt response to alarms which is the very foundation of good fire fighting. It should be noted that the question here discussed is not that of using city employees for reserve purposes, but rather of employing members of the regular fire-fighting force in such a manner that they may perform both the duties of this office and also other worth-while work for the city.

The first condition, therefore, of choosing a supplementary occupation for the firemen is that the work shall be more or less irregular, so that in case of fire it will be possible for firemen to desert their secondary occupation for their primary one. Two such activities are recommended by the writer of the article, namely, that they should serve as drivers of automobiles either for administrative officials or for public ambulances. By-products of such occupations are that the firemen would become experienced in the handling of autos and more thoroughly acquainted with streets and other local conditions in the city.

It is pointed out that the men driving either official automobiles or public ambulances are occupied at a time when major fires are not likely to break out, that is, from seven in the morning to eight or nine at night. Charts were prepared for Karlsruhe which show the frequency of major alarms on the one hand and the distribution of calls for action in the secondary occupation. The curves demonstrate that the primary and secondary duties dovetail into one another without any appreciable overlapping.

It is further suggested that in most medium-sized cities the ambulance service is subject to a considerable amount of adjustment, that is to say, that physicians may be expected to specify in ordering an ambulance as to whether it is immediately necessary or whether the invalid may be transported in the course of the day or at some specified time of the day. In the course of the discussion the author also emphasizes that with present-day methods of extinguishing fires the fire-fighting force is in action for only a comparatively brief space of time so that the duties incidental to the supplementary occupation may be temporarily neglected without any great harm.

A third possibility is that the members of the fire department should be held responsible for the maintenance of their equipment. This has the advantage not alone of giving them useful occupation and incidentally saving money to the city, but it also gives them a better understanding of the peculiarities of the fire apparatus.

By this combination of functions there should be a saving in the budget and through the rotation of these various duties a well-rounded development of the members of the department.—*Preussisches Verwaltungsblatt*, February 2, 1929.

Sludge Disposal in Germany.—A committee of the Manchester Council has made an investigation of the latest methods of sludge disposal in Germany and has since published a digest of its findings.

In the summary the most interesting feature was the recovery and utilization of the gaseous product of fermentation. It was found that sludge was treated in this way almost invariably throughout the country. In the method of treatment for this purpose special emphasis was placed on the temperature of the sludge. In general this approaches twenty-five degrees centigrade.

It was found that the cubic capacity of the digestive tanks need not exceed one cubic foot per capita. Under such conditions the gas produced will amount to from five to seven-tenths of a cubic foot per capita per day. If sludge is digested the gas production will be appreciably higher than these figures.

The thermal value of the gas (650 B.T.U.) is considerably higher than that of ordinary town gas (450 B.T.U.). The price obtained for the gas from the various sewage works in Germany is said to vary from one to two shillings for 1,000 cubic feet. It is pointed out that a better financial return may be secured if the gas is utilized at the sewage plant for the production of power, lighting, etc.

The proposals for the treatment of Munich sewage are cited as good examples of the efforts being made to purify sewage by natural means and at the same time to utilize to the greatest possible extent the organic matter content of sewage. These proposals are three in number, viz.: (a) recovery of the gas from the digestion of the suspended solids, (b) use of the digested sludge for agricultural purposes, (c) assimilation of the colloidal and solid organic matter (via development of low forms of life such as infusoria, etc.) in the cultivation of edible live stock (fish and ducks).—*Municipal Journal and Public Works Engineer*, February 8, 1929.

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Public Control of Electricity.—The public body in England known as the Electricity Commissioners have just prepared their fifth regional scheme for the Mid-East. This area has an extent of 7,545 square miles. At the present time there are seventy-three authorized companies operating here with forty public generating stations. This number is to be reduced to

eighteen, with provision for using certain of the other generating stations for the purpose of meeting emergency demands. The latter stations will, however, be discarded as soon as the plants become obsolete or too expensive to maintain.

It is anticipated that the average per capita consumption of electricity will rise from one hundred and eighty-three units to three hundred and twenty-one by 1934–35. To meet such an expanded demand it is planned to invest about four and one-half million pounds, three million of which are to be spent for transmission lines and transforming stations, including interest charges, and one million seven hundred thousand for extension purposes. It is estimated that such unified control and development will make possible a capital saving in investment of nearly one million pounds during the next six or seven years.—*Municipal Journal and Public Works Engineer*, January 25, 1929.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since February 1, 1929.

Finance Commission, Boston:

Annual Report.

Horace Mann School Situation.

Report on House Bill No. 242, for the Purpose of Establishing the Tax Limit of the City at $12.75 for the Year 1929.

Buffalo Municipal Research Bureau:

The Buffalo City Hospital. A survey of the Buffalo City Hospital of Buffalo, New York, made for and at the request of the finance committee of the common council and the board of managers of the Buffalo City Hospital.

California Taxpayers' Association:

Road Cost Accounting System.

Taxpayers Research League of Delaware:

Delaware's General Budget for the Fiscal Years Ending June 30, 1930 and 1931.

Hawaii Bureau of Governmental Research:

Hand Book of the Government of the Territory of Hawaii.

Report on the Proposed Extensions and Additions to Honolulu Sewer System and Water Works.

Bureau of Governmental Research, Kansas City, Kansas City Chamber of Commerce:

Shall the Limit on the City's Tax Rate be Increased? A report prepared at the request of the legislative committee of the Chamber of Commerce.

Citizens' Bureau of Milwaukee:

Report on Highways.

Ohio Chamber of Commerce, Research Department:

Ohio Highway Revenue Forecast.

Brief of Legal Advisory Committee. Lending legal support to certain proposed amendments of the corporation franchise tax law and including a review of the entire corporation franchise tax problem.

Boston Finance Commission.—In January, the Commission reported upon unnecessary delay in the completion of an elementary school; upon the fact that no action had been taken to dispose of unused land owned by the city, and recommended that, before further purchases are made for playground sites, such lands be considered and either used or disposed of; upon bids received for the construction of a tunnel under Fort Point Channel, and recommended that the contract be awarded to the lowest bidder; and upon the investigation of the employment bureau under the direction of the mayor's office, and recommended a complete reorganization of the bureau.

In February, the Commission reported on an alleged attempt to obtain a bribe by certain members of the city government in connection with the so-called "Sunday sports law"; upon an award of a contract for furnishing water meters, recommending that the lowest bidder be given the award; upon the municipal budget for the year 1929 in connection with the fixing of the tax limit by the state legislature; and also reported to the state legislature in regard to a bill which was proposed to give authority for the filling in of part of Fort Point Channel and South Bay.

In accordance with a new arrangement made with the mayor, all the above reports, except those to the state legislature, have been submitted to the mayor to give him an opportunity to reply before publicity is given to the reports. Replies to all of them have not yet been received, so that the contents of all have not yet been made public.

In addition to these specific reports, the Commission has been engaged in the investigation of matters connected with various bills filed in the legislature affecting the finances of the city of Boston. It has also undertaken the investigation of many matters of a more or less routine nature concerning the departments of the city, some of which will be the subjects of later reports.

In its report to the legislature in regard to the tax limit, the Commission announced that it intended later to ask the Supreme Court of the Commonwealth to decide the question of the proper application of the funds received from taxes of other years.

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Buffalo Municipal Research Bureau, Inc.—Since the first of the year, the Bureau has completed and reported three important surveys on which it has been engaged for some time past: (1) a survey of the division of water; (2) a survey of the Buffalo City Hospital; and (3) a survey of salaries with a new proposed schedule for the classified civil service, this latter study being made in conjunction with the Civil Service Commission. These surveys have not alone engaged the full attention of the local staff, but were made possible through the services of men from other bureaus. Captain Harrington Place of the Detroit Bureau of Governmental Research directed the water survey, while Dr. Carl E. McCombs of the National Institute of Public Administration and Raymond P. VanZandt of the Rochester Bureau of Municipal Research made the city hospital survey.

The Buffalo Bureau is at present carrying on its study of the annual budget now being prepared, continuing its work on accounting revision, assisting the City Planning Commission and the finance committee of the council on the preparation of a long-term financial program for permanent improvements, and conducting a study of delinquent tax sales.

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California Taxpayers' Association.—A complete survey of the costs of government and governmental expenditures of Santa Barbara County has just been sent to press by the research department of the California Taxpayers' Association.

The research department has started a detailed analysis and study of the governmental functions and expenditures of the city government of Pasadena.

The last issue of the official publication of the Association, *The Tax Digest*, contains an analysis of all fiscal and appropriation bills introduced into the first session of the state legislature.

A study was made of the metropolitan park district bill and its effect upon Los Angeles and other California counties.

California newspapers have been giving considerable support to the photographic recording bill which is sponsored by the Association.

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Citizens' Research Institute of Canada.—A report dealing with cost of government in Canada, Story No. 2 (provincial), has been issued, and requests for copies of this report have been received from all over the Dominion.

A report dealing with cost of government in Canada (federal) is in course of preparation and will be issued within the next few weeks.

The director spoke before a meeting of the men's and women's Canadian clubs at Edmonton, Alberta, on the subject of municipal government, particularly relating to Edmonton. The speech was broadcast.

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Erie County (Pa.) Taxpayers' Association.—The Erie County Taxpayers' Association started active work on January 28, 1929, with John S. Rae as managing director, Harry A. Holmes as secretary-treasurer and Harry H. Freeman, director of the Buffalo Municipal Research Bureau, as consultant.

The Association intends to have high spot surveys of various departments made by out-of-town specialists, for a quick bird's-eye glance at local conditions. Cuthbert E. Reeves of Buffalo has completed the field work of such a study of the city assessment procedure. Captain A. Harrington Place of the Detroit Bureau will undertake a study of municipal waste, especially in relation to proposed bond issues.

The Association is coöperating with the mayor's committee of sixty-eight in the formulation of a bonding program, and in that connection has undertaken a study of the possible methods of retiring the present outstanding bonded indebtedness.

The director of finance has requested that the Association make a complete study of the entire special assessment procedure from the inception of the improvement to the payment of the bonds.

The Association is also undertaking a study of the effect on changes in the governmental structure of the city, should its population in 1930 reach 135,000 which automatically changes its rating under the laws of Pennsylvania from a third- to a second-class city.

Bureau of Civic Affairs, Toledo Chamber of Commerce.—The Bureau of Civic Affairs, in connection with its fire prevention committee, has drawn up a plan for a year-around campaign in fire prevention work. While Toledo has had a per capita fire loss only a little above the average of the large cities for the last five years, there is considerable room for improvement. The Bureau is urging the adoption of a fire prevention ordinance by the city council and has also asked that a fire prevention bureau be established.

The plan worked out by the Bureau for a continuous campaign against fire, provides for twelve groups of merchants and professional men, each group to take charge of the fire prevention activities for one month of the year. It is planned to have the groups carry on the work by means of window displays, posters, stickers, messages in pay envelopes, etc. The plan, as devised by the Bureau, is very similar to the one so successfully used in Grand Rapids and described in the NATIONAL MUNICIPAL REVIEW by City Manager Fred H. Locke. The fire chief and several members of the fire department have been consulted and are giving their whole-hearted coöperation in carrying out the plan.

The Bureau, through its city and county planning commission, has taken steps toward securing a grade separation on one of the dangerous railroad crossings just north of the city. It has also asked the county planning commission to make a survey of major thoroughfares through the city with a view to establishing set-back lines on all through thoroughfares.

Toledo Commission of Publicity and Efficiency.—An analysis of the report of the traffic inspector, published in the *City Journal*, showed that during the last year traffic fatalities have been reduced 7.3 per 100,000 in Toledo, a greater reduction than in any of the eleven cities in the same population class with Toledo. This study also revealed that Toledo was the only city over 300,000 included in the study that had reduced the accident rate at all. Several recommendations in the report involve situations that soon must be remedied.

The commission is at present engaged in a study looking toward practical steps which may be taken to secure the housing of buses in a private terminal rather than on the streets.

Other articles published include an article on smallpox, and an article on Toledo's mayors since 1837. The commission also published the report of the smoke inspector and hopes to aid his educational work through the smoke abatement league, and also secure for his work an observation tower with suitable equipment.

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Toronto Bureau of Municipal Research.—A report giving the personnel of the city government has been issued.

A report on civic financial control, Story No. 3, dealing with utilities operated by outside boards and commissions and covering a ten-year period, has been issued. This report received special notice from the daily press.

A letter has been sent to the members of the city council regarding the importance of city planning and drawing their attention to Bureau Report No. 136 on this question.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Cleveland Election Frauds.—For ten years the Citizens League of Cleveland has been urging better election laws and better administration of existing election laws in the interest of honest elections. Bill after bill and code after code has been prepared, introduced, passed in one house, only to be killed by the political bosses in the other.

The people of Ohio, during these years, have been growing more and more suspicious of the election machinery which has been completely under the control of the two major party organizations. Even the count of the P. R. ballots in Cleveland and Cincinnati, especially the former city, has been seriously questioned.

But there has been no way of proving fraud because a recount has been practically impossible, ballots are destroyed thirty days after the election, and all unused ballots have been burned on the evening of the election. Sporadic outbreaks against election frauds have occurred in different cities and counties from time to time; but not extensively enough to arouse public opinion.

Finally, in the last party primary, the fraud and intimidation was so apparent in Cuyahoga County that the Bar Association called upon the governor to order an investigation by the attorney-general. Governor Vic Donahey asked Attorney-General E. C. Turner to proceed under a special grand jury to investigate the results of the primary election in Cuyahoga County. He went at it with vigor and the results were thirty-six indictments, the removal of the four members and two clerks of the board of elections, and a complete overhauling of the county's election control.

At the November election, a capable and high-minded young attorney on the Democratic ticket, Ray T. Miller, was elected county prosecutor in spite of the considerable Republican majority on the state ticket. This, together with the election of Gilbert Bettman as attorney-general, insured an effective prosecution of these indictments. Two juries were hung on the first case, but finally in the third trial the two offenders were convicted and will be sentenced in a few days. The attorney-general is already proceeding with the trial of other indictments.

Meanwhile, the new election code, prepared by the Citizens League, introduced by Senator Paul M. Herbert, and supported by Senator D. E. Morgan, has been reported out for passage and bids fair to pass both houses of the general assembly. After years of delay, the efforts of the Citizens League and other organizations for better election laws and administration in Ohio bid fair to be successful.

MAYO FESLER.

Chicago Aldermanic Election.—With "Thompsonism" the predominant issue and His Honor taking no personal part in the campaign, Chicago went to the polls 51 per cent strong on February 26 to elect a new city council. Of fifty seats to be filled, four places were uncontested and thirty-five were elected outright, leaving contests in eleven wards to be settled at the "run-off" election on April 2. The vote was 682,874 out of a total registration of 1,340,729.

The veteran Municipal Voters' League and the newer Civic Safety Commission worked hand in hand to elect candidates in forty wards to whom they had given their endorsement. The latter organization is the rechristened group of business men which a year ago defeated Robert E. Crowe by capitalizing "pineapples" in the primary and nominating, and later electing, John A. Swanson as state's attorney of Cook County.

Of forty candidates endorsed by the League, seventeen were elected and nine were forced into the run-off. Twelve Thompsonites were elected, but four were thrown into the discard. One of these was Titus A. Haffa of the Forty-third, who persisted in being a candidate despite conviction and $11,000 fine in the federal court for being in a bootleg conspiracy. He was out on bond pending appeal.

Summing up on the morning after, the League said: "It is certain that the next council will be a great improvement over the present one, and will have at least a majority of aldermen who will think for themselves and resist the evil influence of the Thompson machine."

A proposition to give the city the power of excess condemnation of property in public improvements won by a three-to-two count.

EDWARD M. MARTIN.

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County Manager Bill Before the Oklahoma Legislature.—Oklahoma, like other states, has an antiquated form of county government which presents the traditional picture of elected county commissioners, judge, attorney, court clerk, county clerk, sheriff, superintendent of schools, assessor, treasurer, weigher, and surveyor. These officials, receiving their authority directly from the people, feel responsible to no one. As a result inefficiency prevails generally, and corruption in some instances.

The government of Carter County has been one of the most notoriously inefficient and corrupt. Ardmore, the county seat, has had the city manager form of government for several years with great success. It was here that the county manager idea took shape. Senator U. T. Rexroat, a progressive public official, and some leading citizens of Ardmore believed that what was good for Ardmore would also work in the county.

About two weeks before the present legislature convened, Senator Rexroat requested assistance from the government department of the University of Oklahoma in drafting a county manager bill. Professors James W. Errant and W. C. Bryant were assigned to the task. The National Municipal League and the Legislative Reference Library of New York responded generously to the request for information. With this material as a background, and after a conference with Senator Rexroat a bill was drawn. A digest of its provisions follow:

1. Two forms of county government are recognized, the present form and the manager form. A county may adopt the manager form by a majority vote.

2. Three or five county commissioners, depending upon the desire of the county, and the county judge are the only elected officials.

3. The commission has policy making powers only and appoints a manager, attorney and auditor.

4. The manager is administrative head of the county government with safeguards thrown about him to protect him in the exercise of his functions.

5. All officers except the ones heretofore mentioned as still in existence are abolished and their duties and functions merged in six departments—finance, assessment, clerical, education, engineering, and public safety and welfare. The commission and manager are empowered to create new departments and combine or abolish present ones. The department heads are under the direct supervision of the manager.

Senator Rexroat is chairman of the committee on state and county affairs and anticipates no difficulty in securing the committee approval of his bill. He further indicates that there is no hostility to the measure in the legislature. However, no action can be anticipated until the trial of the governor has closed. A special session of the assembly will then be called, and Rexroat is certain that he can include the county manager bill in the governor's call. That is the present status of the county manager question in Oklahoma. Additional information will appear in later numbers of the REVIEW.

JAMES ERRANT.

Oklahoma Municipal League.

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City Manager Plan in Kentucky.—Kentucky has passed through the second stage of its fight for city managers for its cities.

At the November election a referendum was held in Lexington, Covington, and Owensboro on the question of adoption of the city manager form, and in every instance the manager plan prevailed. In order to get permission to vote on the city manager plan, it was necessary to get a special act from the legislature.

The agitation for the city manager plan originated with the Chamber of Commerce in Lexington and the fight was pretty largely single-handed. There was a certain amount of support coming from a few of the second-class cities, but the support was not organized and therefore not so strong as it might have been.

The measure was brought up in the Senate first and was passed without a dissenting vote very early in the session. Apparently the "town hall gangs" of the various cities had been caught asleep. However, when the measure came to the House of Representatives the opposition began to show its hand.

At first the bill applied to second-class cities only, which would affect only five cities in the state. Immediately there came requests from cities of the third, fourth and fifth classes, that the bill be expanded to include all of these classes.

This proposal was considered by the friends of the measure, but in the end it was vetoed, because it was felt that the members of the lower house, many of whom come from small towns, would probably be largely influenced by the "town hall gangs" in the smaller towns, and that inclusion of the smaller towns would spell defeat for the measure. Finally they compromised by uniting with the third-class cities and allowed the measure to apply to both classes of cities. The smaller cities were promised the support of similar measures for their cities at later sessions of the legislature, provided the second- and third-class city bills succeeded.

Since the agitation for the city manager plan began in Lexington, it was but natural that they should be first in the field to submit the proposition to a referendum. As soon as the act was signed by the governor, its friends in Lexington organized a City Manager Club and prepared a petition to put the matter to referendum at the November election. The fight from that time on was largely a matter of education. The City Manager Club of Lexington was exceedingly fortunate in having a friendly press. One of the newspapers openly espoused the cause, and on its own initiative sent correspondents to Cincinnati and Dayton to gather information for a series of educational stories on the achievements of the city manager plan of government. The other paper, while it took no such open stand, was very favorable to the movement and gave its space generously to the propaganda put out by the City Manager Club.

The opposition refused to come out in the open and, so long as they remained in secret, the City Manager Club's speakers were forced to refrain from any open attack upon the administration. However, they redoubled their efforts in an attempt to educate the people in the virtues of the city manager plan of government in contrast with other plans now in operation.

The total cost of the city manager campaign in Lexington, exclusive of time spent by volunteer workers, was less than $10,000, all of which was met by private subscription of men and women who are taxpayers in the city and who are interested in securing more efficient government.

When the final election returns came in, the number of people voting for the city manager plan was more than 10,000, while those opposed were slightly more than 4,000. This compares with a vote of less than 18,000 cast in the presidential election on the same day and less than 8,000 cast on a sewer bond issue. The difference between the number voting in the city manager election and in the bond issue proposal seems to be a fairly good yardstick by which to measure correctly the efficiency of the work performed by the City Manager Club.

It is thought that the 3,000-odd voters who did not vote on either of the municipal issues were colored voters, or illiterate white voters, who were afraid that their attempt to vote in the city ballot might in some way spoil their vote in the presidential race. In any event, an analysis of the particular precincts which polled a small per cent in the city elections showed that in the precincts composed of colored people or of the poorer white people, less than 65 per cent of the voters voted either yes or no in the city election, while, in the better class white precincts, the number who voted in the city election on the city manager plan reached as high as 97 per cent of the vote cast in the national election.

J. Catron Jones.

University of Kentucky.

Editor's Note.—Since we received the foregoing from Mr. Jones, opponents of the manager government have begun a test case to determine the legality of Owensboro's new charter. The decision of the lower court was that the statute under which Owensboro voted was unconstitutional. An appeal has been taken, but should the supreme court sustain the lower court, the charters of Lexington and Covington will fall with that of Owensboro.

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The Wayfarers Travel Agency, 33 Gordon Square, London W. C. 1, is arranging a special tour for Americans who wish to study the coming general election in England. The complete price, including tourist third class on the steamships Majestic and Belgenland, is $450.

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Long-Term Budget Proposed for Michigan.—Governor Fred W. Green of Michigan has outlined a ten-year building program for state institutions, involving a total of fifty-three million dollars. Twenty-two million dollars of this amount, he believes, is needed during the next two years. This proposal is in line with the modern movement for long-term financial planning, and should receive more serious consideration from the state legislature than this body will probably give it. The governor proposes that

the program be financed through a state income tax which will be levied only for the next four years. An income tax, however, would require a constitutional amendment, which the legislature at this writing seems unwilling to indorse.

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The City Housing Corporation (Alexander M. Bing, president) announces that it has completed its plans for financing Radburn, the garden city for the motor age, now being erected near Paterson, New Jersey. A large part of the total capital requirements have been underwritten by a small group of men with Mr. Bing at the head. The balance will be raised through a public offering of 6 per cent limited dividend stock. The financial success of the City Housing Corporation in its Sunnyside Gardens undertaking on Long Island assures the safety of investments in Radburn. About two hundred houses are nearing completion there. Streets, water and gas mains, electricity, and sewers are being installed. A population of several thousand persons is expected by the end of the year. The construction program will be increased to approximately one thousand houses annually.

Investors who desire to make their funds work for social purposes will do well to investigate Radburn.

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The Engineering Index Service Indexes the "National Municipal Review."—This journal is fully indexed—every issue, as soon as published—in a set of cards, which thus brings ready to your hand any article on any subject in this journal in all languages. This Engineering Index Service, instituted in January, 1928, is to be found in the public libraries of Newark, Cleveland, Bridgeport, Baltimore, and the John Crerar Library, Chicago.

Engineers in any field who live or work in New York or New Jersey will find this mammoth index to the latest engineering literature in the Public Library of Newark, New Jersey, which has this magazine on file. The Library is open daily from 9 A. M. to 9.30 P. M. It is convenient to all railroad stations. It answers inquiries by mail or by telephone.

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Anti-Billboard Legislation in New Jersey.—It is reported that the outdoor advertising fraternity are fighting vigorously the bill now in the New Jersey legislature imposing a heavy tax on outdoor billboards, and requiring that they be set back 200 feet from highways outside city limits. Because of the heavy traffic on her highways, New Jersey probably suffers more from the billboard nuisance than any other state, and the passage of the proposed legislation will be approved by all except the few who make a personal profit from these scenic blights.

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What Legislatures Worry About.—A secession movement seems to be under way in Kansas, if a concurrent resolution introduced into the lower house of the legislature is to be taken at face value. It appears from the resolution that the western part of the state is more progressive than the eastern portion where farm lands are passing into the hands of bankers, and the former free and independent farmers are being forced "to become members of the proletariat of the cities where the rich are growing richer and the poor are growing poorer." Moreover, it appears that western Kansas has never had a governor or United States senator, and precious few state officers, whether elected or appointed. For this reason the state of Kansas will, if the wishes of the sponsors of the resolution prevail, "be divided and bisected by a line drawn through the middle of said state from north to south," and the portion lying west of this line will be released from the jurisdiction of the state of Kansas. The resolution concludes that "if this be treason, then make the most of it."

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"Greater Los Angeles Municipal News" is the name of a monthly publication which has been started to show how many millions can be saved each year through the consolidation of the various governments now operating in Los Angeles County. The first issue contains statements from Mayor Cryer, C. A. Dykstra, Dr. John Randolph Haynes, and others, advocating governmental simplification. We heartily endorse the program of the new publication, while regretting that they saw fit to reprint a considerable portion of an old supplement to the NATIONAL MUNICIPAL REVIEW without the usual credit to us.

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Home Rule in Salary Fixing.—The Pennsylvania Salary Survey Commission (Clinton

Rogers Woodruff, chairman) has reported to the state legislature in favor of establishing home rule in fixing salaries by the localities. In Pennsylvania, as in other states, it has been the custom for the legislature to fix the salaries of employees whose work is entirely local in scope. The commission, therefore, recommends the creation of a county salary board in each county and of a municipal salary board in each municipality. All local public employees, except constitutional officers and members of legislative bodies, would come under the jurisdiction of these salary boards. To accomplish this commendable reform it will be necessary to repeal 124 laws now on the statute books dealing with salaries of local officers and employees. For the constitutional county officers the commission has reported a schedule of salaries based upon the classification of counties now in force.

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Philadelphia Considers Purchasing P. R. T. Underliers.—The proposal to purchase the underlying properties of the Philadelphia Rapid Transit Company is now before the people of Philadelphia. The underliers are willing to be condemned for a total of $139,000,000. The P. R. T. would then presumably pay to the city the rental charges which it now pays to the stockholders of the underlying companies. Mitten Management strongly favors the proposition, but City Controller Hadley and other individuals and groups declare that $139,000,000 is too much to pay for dead horses. According to Harold Evans, writing in the REVIEW of last October, the paid-in capital of the underliers amounts at the most to $54,000,000, and their funded debts to $33,500,000, or a total of $87,500,000 as the maximum limit of original cost.

Recently three members of the city council, including the independent "Bill" Roper, charged that many public officials were on the P. R. T. pay roll, and demanded an inquiry to learn whether the company were not trying to bribe and corrupt "everybody it can."

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St. Louis Considers New Plans for Consolidation.—Although the effort to annex St. Louis County to the city of St. Louis failed decisively in the November election in 1926, the newspapers report a new effort to solve the vexing question through some plan of federation. The chambers of commerce of the city and the county have agreed that some sort of borough system similar to that being drawn for Pittsburgh would be acceptable to both the city and the county. To establish such a system in Missouri will require an amendment to the state constitution. Those behind the project hope for a popular vote on the constitutional amendment in 1930. If the amendment carries, the legislature will be asked to pass the necessary enabling legislation in 1931.

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Cincinnati Acts to End Unemployment.—During the past year the department of public welfare of Cincinnati has attempted through the director and various workers to keep an ear to the ground to detect employment trends. Studies have indicated that a great deal can be done by governmental and private sources working together to eliminate some of the suffering caused by unemployment. In consequence a committee of citizens was appointed early in January by City Manager C. O. Sherrill to study the question of stabilizing employment and to serve as a clearing house for efforts to relieve unemployment. The recommendations of the committee are said to be comprehensive and far-reaching.

The plan recommends:

1. That a committee to be known as the Permanent Committee on Stabilizing Employment be appointed, its studies and recommendations to embrace Hamilton County, Ohio, and Kenton and Campbell Counties, Kentucky.

2. That the purpose of this committee will be:
   (a) To study the problem of stabilizing employment.
   (b) To handle unemployment when this situation arises.

3. That work of the Permanent Committee on Stabilizing Employment be carried on through special subcommittees, these committees to be organized on a functional basis and to work with parallel committees representing geographical units such as Norwood, Covington, Newport, etc.

4. That ten permanent subcommittees be created as follows:
   (a) State-City Employment Exchange.
   (b) Continuous Employment.
   (c) Temporary Employment.
   (d) Public Works.
   (e) Coöperation of Agencies.
   (f) Budget and Finance.

(g) State and National Coöperation.
(h) Transients.
(i) Fact Finding.
(j) Publicity and Education.

The Committee on State-City Employment Exchange will coöperate with the Exchange in working out a system of classification of applicants, methods of forming contacts with the employment departments in factories, and other contacts which shall make more effective the placing of the unemployed.

The Committee on Continuous Employment will encourage the introduction of methods to stabilize employment. It will strive to work out with the employers of labor and others interested a method of reporting the per cent of activity of business, so that fluctuations in employment may be followed by the committee. It may suggest capital investments which will furnish labor during slack periods.

The Committee on Temporary Employment will study the possibilities of odd jobs about the homes, factories, etc., to ascertain possibilities in placing the unemployed during times of stress.

The use of unemployed men on public works will be encouraged by the Committee on Public Works, which will confer with the cities, villages and counties on construction and work programs. This committee will also encourage the prosecution of public works during slack periods of employment.

The Committee on Coöperation of Agencies will study the coördination of public and private social agencies that have to do with handling the residue of the unemployed during periods of stress.

Financial needs will be outlined by a Committee on Budget and Finance, which will have submitted to it the budget requirements of the various committees and will then study the means of financing the work of the committee and the securing of funds if needed.

The Committee on State and National Coöperation will analyze proposed state and national legislation on employment so that the point of view of this community may be expressed on contemplated legislation. This committee will coöperate with any state and national action that may be taken to stabilize employment or to handle unemployment situations when they arise.

The transient problem will be studied by a committee which will coöperate with the Transient Bureau soon to be a part of the public welfare department of the city, so that the transient and homeless may be taken care of in a sensible way. This committee will inform itself on the supply of labor and discourage outside labor coming to metropolitan Cincinnati at times when such labor is not needed.

An important Fact-Finding Committee will be responsible for assembling the facts secured through the various committees and for engineering research methods that will give a clear indication of the labor conditions in our metropolitan district.

The tenth committee, that on Publicity and Education, will inform the public on the employment situation and give out from time to time the results of the committee's activities. It is suggested further that this committee become familiar with the opportunities for vocational training and for the training of the handicapped and in other ways that may suggest themselves, to formulate programs that will further the education of workers to the end that employees may be placed in suitable positions.